



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 22, 2011

House Amendment 1092

PAG LIN

1 1 Amend House File 278 as follows:
1 2 #1. Page 1, line 15, before <endangers> by inserting
1 3 <knowingly>

SWAIM of Davis

KRESSIG of Black Hawk

R. OLSON of Polk
HF278.495 (2) 84
jm/nh



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House Amendment 1093

PAG LIN

1 1 Amend Senate File 209, as amended, passed, and
1 2 reprinted by the Senate, as follows:
1 3 #1. Page 7, by striking lines 28 through 31 and
1 4 inserting <section 103, and Pub. L. No. 111=5, section
1 5 1201, does not apply in computing net income for state
1 6 tax purposes. If the>
1 7 #2. Page 8, line 17, by striking <2011> and
1 8 inserting <2010>
1 9 #3. Page 9, by striking lines 16 through 19 and
1 10 inserting <section 103, and Pub. L. No. 111=5, section
1 11 1201, does not apply in computing net income for state
1 12 tax purposes. If the>
1 13 #4. Page 10, line 5, by striking <2011> and
1 14 inserting <2010>
1 15 #5. Page 11, by striking lines 12 through 23.
1 16 #6. By renumbering, redesignating, and correcting
1 17 internal references as necessary.

COMMITTEE ON WAYS AND MEANS
SANDS of Louisa, Chairperson
SF209.566 (2) 84
tw/sc



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House Amendment 1094

PAG LIN

1 1 Amend House File 299 as follows:
1 2 #1. Page 2, line 35, by striking <an unarmed> and
1 3 inserting <a>

BRANDENBURG of Pottawattamie

WAGNER of Linn
HF299.552 (2) 84
rn/rj



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House Amendment 1095

PAG LIN

1 1 Amend House File 278 as follows:
1 2 #1. Page 1, line 10, by striking <an aggravated>
1 3 and inserting <a serious>
1 4 #2. Page 1, line 15, before <endangers> by
1 5 inserting <knowingly>

SWAIM of Davis

KRESSIG of Black Hawk

R. OLSON of Polk
HF278.496 (2) 84
jm/nh



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House Concurrent Resolution 11 - Introduced

PAG LIN

HOUSE CONCURRENT RESOLUTION NO.

BY UPMEYER and McCARTHY

1 1 A Concurrent Resolution relating to Pioneer Lawmakers.

1 2 WHEREAS, The Eighty=fourth General Assembly

1 3 is advised of a meeting of the Pioneer Lawmakers

1 4 Association to be held Wednesday, April 6, 2011; and

1 5 WHEREAS, The Pioneer Lawmakers request the

1 6 opportunity to meet formally with the General Assembly;

1 7 NOW THEREFORE,

1 8 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,

1 9 THE SENATE CONCURRING, That the General Assembly meet

1 10 in joint session in the House Chamber on Wednesday,

1 11 April 6, 2011, at 2:00 p.m., and that the Pioneer

1 12 Lawmakers be invited to attend and present a program

1 13 on that occasion, and that the Speaker of the House

1 14 of Representatives and the President of the Senate be

1 15 designated to deliver the invitation to them.

LSB 2703HQ (2) 84



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House Concurrent Resolution 12 - Introduced

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HOUSE CONCURRENT RESOLUTION NO.

BY COMMITTEE ON ADMINISTRATION AND RULES

1 1 A Concurrent Resolution relating to joint rules of
1 2 the Senate and House of Representatives for the
1 3 Eighty=fourth General Assembly.

1 4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
1 5 SENATE CONCURRING, That the joint rules of the Senate
1 6 and House of Representatives for the ~~Eighty-third~~

~~1 7~~ Eighty=fourth General Assembly shall be:

1 8 JOINT RULES OF THE SENATE AND HOUSE

1 9 Rule 1

1 10 Suspension of Joint Rules

1 11 The joint rules of the general assembly may be
1 12 suspended by concurrent resolution, duly adopted by a
1 13 constitutional majority of the senate and the house.

1 14 Rule 2

1 15 Designation of Sessions

1 16 Each regular session of a general assembly shall be
1 17 designated by the year in which such regular session
1 18 commences.

1 19 Rule 3

1 20 Sessions of a General Assembly

1 21 The election of officers, organization, hiring and
1 22 compensation of employees, and standing committees in
1 23 each house of the general assembly and action taken
1 24 by each house shall carry over from the first to the
1 25 second regular session and to any extraordinary session
1 26 of the same general assembly. The status of each
1 27 bill and resolution shall be the same at the beginning



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House Concurrent Resolution 12 - Introduced continued

2 1 of each second session as it was immediately before
2 2 adjournment of the previous regular or extraordinary
2 3 session; however the rules of either house may provide
2 4 for re=referral of some or all bills and resolutions
2 5 to standing committees upon adjournment of each
2 6 session or at the beginning of a subsequent regular or
2 7 extraordinary session, except those which have been
2 8 adopted by both houses in different forms.
2 9 Upon final adoption of a concurrent resolution at
2 10 any extraordinary session affecting that session, or at
2 11 a regular session affecting any extraordinary session
2 12 which may be held before the next regular session,
2 13 the creation of any calendar by either house shall be
2 14 suspended and the business of the session shall consist
2 15 solely of those bills or subject matters stated in the
2 16 resolution adopted. Bills named in the resolution, or
2 17 bills containing the subject matter provided for in the
2 18 resolution, may, at any time, be called up for debate
2 19 in either house by the majority leader of that house.
2 20 Rule 3A
2 21 International Relations Protocol
2 22 The senate and the house of representatives shall
2 23 comply with the international relations protocol policy
2 24 adopted by the international relations committee of the
2 25 legislative council.
2 26 Rule 4
2 27 Presentation of Messages
2 28 All messages between the two houses shall be sent
2 29 and accepted, as soon as practicable, by the secretary
2 30 of the senate ~~or~~ and the chief clerk of the house



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House Concurrent Resolution 12 - Introduced continued

3 1 of representatives, ~~and~~. The messages shall be
3 2 communicated to and received by the presiding officer
3 3 of the other house at the earliest appropriate time
3 4 when that house is in session.

3 5 Rule 5

3 6 Printing and Form of Bills and Other Documents

3 7 Bills and joint resolutions shall be introduced,
3 8 numbered, prepared, and printed as provided by
3 9 law, or in the absence of such law, in a manner
3 10 determined by the secretary of the senate and the
3 11 chief clerk of the house of representatives. Proposed
3 12 bills and resolutions which are not introduced but
3 13 are referred to committee shall be tracked in the
3 14 legislative computer system as are introduced bills
3 15 and resolutions. The referral of proposed bills
3 16 and resolutions to committee shall be entered in the
3 17 journal.

3 18 All bills and joint resolutions introduced shall be
3 19 in a form and number approved by the secretary of the
3 20 senate and chief clerk of the house.

3 21 The legal counsel's office of each house shall
3 22 approve all bills before introduction.

3 23 Rule 6

3 24 Companion Bills

3 25 Identical bills introduced in one or both houses
3 26 shall be called companion bills. Each house shall
3 27 designate the sponsor in the usual way followed in
3 28 parentheses by the sponsor of any companion bill or
3 29 bills in the other house. The house where a companion
3 30 bill is first introduced shall print the complete text.



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4 1 Rule 7

4 2 Reprinting of Bills

4 3 Whenever any bill has been substantially amended by
4 4 either house, the secretary of the senate or the chief
4 5 clerk of the house shall order the bill reprinted on
4 6 paper of a different color. All adopted amendments
4 7 shall be distinguishable.

4 8 The secretary of the senate or the chief clerk
4 9 of the house may order the printing of a reasonable
4 10 number of additional copies of any bill, resolution,
4 11 amendment, or journal.

4 12 Rule 8

4 13 Daily Clip Sheet

4 14 The secretary of the senate and the chief clerk of
4 15 the house shall prepare a daily clip sheet covering all
4 16 amendments filed.

4 17 Rule 9

4 18 Reintroduction of Bills and Other Measures

4 19 A bill or resolution which has passed one house and
4 20 is rejected in the other shall not be introduced again
4 21 during that general assembly.

4 22 Rule 10

4 23 Certification of Bills and Other Enrollments

4 24 When any bill or resolution which has passed one
4 25 house is rejected or adopted in the other, notice of
4 26 such action and the date thereof shall be given to the
4 27 house of origin in writing signed by the secretary of
4 28 the senate or the chief clerk of the house.

4 29 Rule 11

4 30 Code Editor's Correction Bills



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House Concurrent Resolution 12 - Introduced continued

5 1 A bill recommended by the Code editor which is
5 2 passed out of committee to the floor for debate by a
5 3 committee of the house or senate and which contains
5 4 Code corrections of a nonsubstantive nature shall
5 5 not be amended on the floor of either house except
5 6 pursuant to corrective or nonsubstantive amendments
5 7 filed by the judiciary committee of the senate or
5 8 the house. Such committee amendments, whether filed
5 9 at the time of initial committee passage of the bill
5 10 to the floor for debate or after rereferral to the
5 11 committee, shall not be incorporated into the bill in
5 12 the originating house but shall be filed separately.
5 13 Amendments filed from the floor to strike sections of
5 14 the bill or the committee amendments shall be in order.
5 15 Following amendment and passage by the second house,
5 16 only amendments filed from the floor which strike
5 17 sections of the amendment of the second house shall be
5 18 in order.

5 19 A bill recommended by the Code editor which is
5 20 passed out of committee to the floor for debate by a
5 21 committee of the house or senate and which contains
5 22 Code corrections beyond those of a nonsubstantive
5 23 nature shall not be amended on the floor of either
5 24 house except pursuant to amendments filed by the
5 25 judiciary committee of the senate or the house. Such
5 26 committee amendments, whether filed at the time of
5 27 initial committee passage of the bill to the floor for
5 28 debate or after rereferral to the committee, shall
5 29 not be incorporated into the bill in the originating
5 30 house but shall be filed separately. Such a bill shall



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6 1 be limited to corrections which: Adjust language to
6 2 reflect current practices, insert earlier omissions,
6 3 delete redundancies and inaccuracies, delete temporary
6 4 language, resolve inconsistencies and conflicts,
6 5 update ongoing provisions, and remove ambiguities.
6 6 Amendments filed from the floor to strike sections of
6 7 the bill or the committee amendments shall be in order.
6 8 Following amendment and passage by the second house,
6 9 only amendments filed from the floor which strike
6 10 sections of the amendment of the second house shall be
6 11 in order.
6 12 It is the intent of the house and the senate that
6 13 such bills be passed out of committee to the floor for
6 14 debate within the first four weeks of convening of a
6 15 legislative session.
6 16 Rule 12
6 17 Amendments by Other House
6 18 1. When a bill which originated in one house is
6 19 amended in the other house, the house originating
6 20 the bill may amend the amendment, concur in full in
6 21 the amendment, or refuse to concur in full in the
6 22 amendment. Precedence of motions shall be in that
6 23 order. The amendment of the other house shall not be
6 24 ruled out of order based on a question of germaneness.
6 25 a. If the house originating the bill concurs in the
6 26 amendment, the bill shall then be immediately placed
6 27 upon its final passage.
6 28 b. If the house originating the bill refuses to
6 29 concur in the amendment, the bill shall be returned to
6 30 the amending house which shall either:



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- 7 1 (1) Recede, after which the bill shall be read for
7 2 the last time and immediately placed upon its final
7 3 passage; or
7 4 (2) Insist, which will send the bill to a
7 5 conference committee.
7 6 c. If the house originating the bill amends the
7 7 amendment, that house shall concur in the amendment
7 8 as amended and the bill shall be immediately placed
7 9 on final passage, and shall be returned to the other
7 10 house. The other house cannot further amend the bill.
7 11 (1) If the amending house which gave second
7 12 consideration to the bill concurs in the amendment
7 13 to the amendment, the bill shall then be immediately
7 14 placed upon its final passage.
7 15 (2) If the amending house refuses to concur in the
7 16 amendment to the amendment, the bill shall be returned
7 17 to the house originating the bill which shall either:
7 18 (a) Recede, after which the bill shall be read for
7 19 the last time as amended and immediately placed upon
7 20 its final passage; or
7 21 (b) Insist, which will send the bill to a
7 22 conference committee.
7 23 2. A motion to recede has precedence over a motion
7 24 to insist. Failure to recede means to insist; and
7 25 failure to insist means to recede.
7 26 3. A motion to lay on the table or to indefinitely
7 27 postpone shall be out of order with respect to motions
7 28 to recede from or insist upon and to amendments to
7 29 bills which have passed both houses.
7 30 4. A motion to concur, refuse to concur, recede,



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8 1 insist, or adopt a conference committee report is in
8 2 order even though the subject matter has previously
8 3 been acted upon.
8 4 Rule 13
8 5 Conference Committee
8 6 1. Within one legislative day after either house
8 7 insists upon an amendment to a bill, the presiding
8 8 officer of the house, after consultation with the
8 9 majority leader, shall appoint three majority party
8 10 members and, after consultation with the minority
8 11 leader, shall appoint two minority party members
8 12 to a conference committee. The majority leader of
8 13 the senate, after consultation with the president,
8 14 shall appoint three majority party members and,
8 15 after consultation with and approval by the minority
8 16 leader, shall appoint two minority party members to a
8 17 conference committee. The papers shall remain with the
8 18 house that originated the bill.
8 19 2. The conference committee shall meet before
8 20 the end of the next legislative day after their
8 21 appointment, shall select a chair and shall discuss the
8 22 controversy.
8 23 3. The authority of the first conference committee
8 24 shall cover only issues related to provisions of the
8 25 bill and amendments to the bill which were adopted
8 26 by either the senate or the house of representatives
8 27 and on which the senate and house of representatives
8 28 differed. If a conference committee report is not
8 29 acted upon because such action would violate this
8 30 subsection of this rule, the inaction on the report



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9 1 shall constitute refusal to adopt the conference
9 2 committee report and shall have the same effect as if
9 3 the conference committee had disagreed.
9 4 4. An agreement on recommendations must be approved
9 5 by a majority of the committee members from each house.
9 6 The committee shall submit two originals of the report
9 7 signed by a majority of the committee members of each
9 8 house with one signed original and three copies to be
9 9 submitted to each house. The report shall first be
9 10 acted upon in the house originating the bill. Such
9 11 action, including all papers, shall be immediately
9 12 referred by the secretary of the senate or the chief
9 13 clerk of the house of representatives to the other
9 14 house.
9 15 5. The report of agreement is debatable, but
9 16 cannot be amended. If the report contains recommended
9 17 amendments to the bill, adoption of the report shall
9 18 automatically adopt all amendments contained therein.
9 19 After the report is adopted, there shall be no more
9 20 debate, and the bill shall immediately be placed upon
9 21 its final passage.
9 22 6. Refusal of either house to adopt the conference
9 23 committee report has the same effect as if the
9 24 committee had disagreed.
9 25 7. If the conference committee fails to reach
9 26 agreement, a report of such failure signed by a
9 27 majority of the committee members of each house shall
9 28 be given promptly to each house. The bill shall
9 29 be returned to the house that originated the bill,
9 30 the members of the committee shall be immediately



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10 1 discharged, and a new conference committee appointed in
10 2 the same manner as the first conference committee.
10 3 8. The authority of a second or subsequent
10 4 conference committee shall cover free conference during
10 5 which the committee has authority to propose amendments
10 6 to any portion of a bill provided the amendment is
10 7 within the subject matter content of the bill as passed
10 8 by the house of origin or as amended by the second
10 9 house.

10 10 Rule 14

10 11 Enrollment and Authentication of Bills

10 12 A bill or resolution which has passed both houses
10 13 shall be enrolled in the house of origin under the
10 14 direction of either the secretary of the senate or the
10 15 chief clerk of the house and its house of origin shall
10 16 be certified by the endorsement of the secretary of the
10 17 senate or the chief clerk of the house.

10 18 After enrollment, each bill shall be signed by the
10 19 president of the senate and by the speaker of the
10 20 house.

10 21 Rule 15

10 22 Concerning Other Enrollments

10 23 All resolutions and other matters which are to
10 24 be presented to the governor for approval shall be
10 25 enrolled, signed, and presented in the same manner as
10 26 bills.

10 27 All resolutions and other matters which are not to
10 28 be presented to the governor or the secretary of state
10 29 shall be enrolled, signed, and retained permanently
10 30 by the secretary of the senate or chief clerk of the



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11 1 house.

11 2 Rule 16

11 3 Transmission of Bills to the Governor

11 4 After a bill has been signed in each house, it shall
11 5 be presented by the house of origin to the governor by
11 6 either the secretary of the senate or the chief clerk
11 7 of the house. The secretary or the chief clerk shall
11 8 report the date of the presentation, which shall be
11 9 entered upon the journal of the house of origin.

11 10 Rule 17

11 11 Fiscal Notes

11 12 A fiscal note shall be attached to any bill or joint
11 13 resolution which reasonably could have an annual effect
11 14 of at least one hundred thousand dollars or a combined
11 15 total effect within five years after enactment of
11 16 five hundred thousand dollars or more on the aggregate
11 17 revenues, expenditures, or fiscal liability of the
11 18 state or its subdivisions. This rule does not apply
11 19 to appropriation and ways and means measures where the
11 20 total effect is stated in dollar amounts.

11 21 Each fiscal note shall state in dollars the
11 22 estimated effect of the bill on the revenues,
11 23 expenditures, and fiscal liability of the state or
11 24 its subdivisions during the first five years after
11 25 enactment. The information shall specifically note
11 26 the fiscal impact for the first two years following
11 27 enactment and the anticipated impact for the succeeding
11 28 three years. The fiscal note shall specify the source
11 29 of the information. Sources of funds for expenditures
11 30 under the bill shall be stated, including federal



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12 1 funds. If an accurate estimate cannot be made, the
12 2 fiscal note shall state the best available estimate or
12 3 shall state that no dollar estimate can be made and
12 4 state concisely the reason.

12 5 The preliminary determination of whether the bill
12 6 appears to require a fiscal note shall be made by
12 7 the legal services staff of the legislative services
12 8 agency. Unless the requestor specifies the request is
12 9 to be confidential, upon completion of the bill draft,
12 10 the legal services staff shall immediately send a copy
12 11 to the fiscal services director for review.

12 12 When a committee reports a bill to the floor, the
12 13 committee shall state in the report whether a fiscal
12 14 note is or is not required.

12 15 The fiscal services director or the director's
12 16 designee shall review all bills placed on the senate
12 17 or house calendars to determine whether the bills are
12 18 subject to this rule.

12 19 Additionally, a legislator may request the
12 20 preparation of a fiscal note by the fiscal services
12 21 staff for any bill or joint resolution introduced which
12 22 reasonably could be subject to this rule.

12 23 The fiscal services director or the director's
12 24 designee shall cause to be prepared and shall approve
12 25 a fiscal note within a reasonable time after receiving
12 26 a request or determining that a bill is subject to
12 27 this rule. All fiscal notes approved by the fiscal
12 28 services director shall be transmitted immediately to
12 29 the secretary of the senate or the chief clerk of the
12 30 house, after notifying the sponsor of the bill that a



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13 1 fiscal note has been prepared, for publication in the
13 2 daily clip sheet. The secretary of the senate or chief
13 3 clerk of the house shall attach the fiscal note to the
13 4 bill as soon as it is available.

13 5 The fiscal services director may request the
13 6 cooperation of any state department or agency in
13 7 preparing a fiscal note.

13 8 A revised fiscal note may be requested by a
13 9 legislator if the fiscal effect of the bill has been
13 10 changed by adoption of an amendment. However, a
13 11 request for a revised fiscal note shall not delay
13 12 action on a bill unless so ordered by the presiding
13 13 officer of the house in which the bill is under
13 14 consideration.

13 15 If a date for adjournment has been set, then a
13 16 constitutional majority of the house in which the
13 17 bill is under consideration may waive the fiscal note
13 18 requirement during the three days prior to the date set
13 19 for adjournment.

13 20 Rule 18

13 21 Legislative Interns

13 22 Legislators may arrange student internships during
13 23 the legislative session with Iowa college, university,
13 24 or law school students, for which the students may
13 25 receive college credit at the discretion of their
13 26 schools. Each legislator is allowed only one intern
13 27 at a time per legislative session, and all interns must
13 28 be registered with the offices of the secretary of the
13 29 senate and the chief clerk of the house.

13 30 The purpose of the legislative intern program shall



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14 1 be: to provide useful staff services to legislators
14 2 not otherwise provided by the general assembly; to give
14 3 interested college, graduate, and law school students
14 4 practical experience in the legislative process as well
14 5 as providing a meaningful educational experience; and
14 6 to enrich the curriculum of participating colleges and
14 7 universities.
14 8 The secretary of the senate and the chief clerk of
14 9 the house or their designees shall have the following
14 10 responsibilities as regards the legislative intern
14 11 program:
14 12 1. Identify a supervising faculty member at each
14 13 participating institution who shall be responsible
14 14 for authorizing students to participate in the intern
14 15 program.
14 16 2. Provide legislators with a list of participating
14 17 institutions and the names of supervising professors to
14 18 contact if interested in arranging for an intern.
14 19 3. Provide interns with name badges which will
14 20 allow them access to the floor of either house when
14 21 required to be present by the legislators for whom they
14 22 work.
14 23 4. Provide orientation materials to interns prior
14 24 to the convening of each session.
14 25 Rule 19
14 26 Administrative Rules Review Committee Bills and Rule
14 27 Referrals
14 28 A bill which relates to departmental rules and
14 29 which is approved by the administrative rules review
14 30 committee by a majority of the committee's members



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15 1 of each house is eligible for introduction in either
15 2 house at any time and must be referred to a standing
15 3 committee, which must take action on the bill within
15 4 three weeks of referral, except bills referred to
15 5 appropriations and ways and means committees.
15 6 If, on or after July 1, 1999, the administrative
15 7 rules review committee delays the effective date of a
15 8 rule until the adjournment of the next regular session
15 9 of the general assembly and the speaker of the house
15 10 or the president of the senate refers the rule to a
15 11 standing committee, the standing committee shall review
15 12 the rule within twenty-one days of the referral and
15 13 shall take formal committee action by sponsoring a
15 14 joint resolution to disapprove the rule, by proposing
15 15 legislation relating to the rule, or by refusing to
15 16 propose a joint resolution or legislation concerning
15 17 the rule. The standing committee shall inform the
15 18 administrative rules review committee of the committee
15 19 action taken concerning the rule.
15 20 Rule 20
15 21 Time of Committee Passage and Consideration of Bills
15 22 1. This rule does not apply to concurrent or
15 23 simple resolutions, joint resolutions nullifying
15 24 administrative rules, senate confirmations, bills
15 25 embodying redistricting plans prepared by the
15 26 legislative services agency pursuant to chapter
15 27 42, or bills passed by both houses in different
15 28 forms. Subsection 2 of this rule does not apply to
15 29 appropriations bills, ways and means bills, government
15 30 oversight bills, legalizing acts, administrative



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16 1 rules review committee bills, bills sponsored by
16 2 standing committees in response to a referral from
16 3 the president of the senate or the speaker of the
16 4 house of representatives relating to an administrative
16 5 rule whose effective date has been delayed until the
16 6 adjournment of the next regular session of the general
16 7 assembly by the administrative rules review committee,
16 8 bills cosponsored by majority and minority floor
16 9 leaders of one house, bills in conference committee,
16 10 and companion bills sponsored by the majority floor
16 11 leaders of both houses after consultation with the
16 12 respective minority floor leaders. For the purposes of
16 13 this rule, a joint resolution is considered as a bill.
16 14 To be considered an appropriations, ways and means,
16 15 or government oversight bill for the purposes of this
16 16 rule, the appropriations committee, the ways and means
16 17 committee, or the government oversight committee must
16 18 either be the sponsor of the bill or the committee of
16 19 first referral in the originating house.
16 20 2. To be placed on the calendar in the house of
16 21 origin, a bill must be first reported out of a standing
16 22 committee by Friday of the ~~9th~~ 8th week of the first
16 23 session and the 8th week of the second session. To be
16 24 placed on the calendar in the other house, a bill must
16 25 be first reported out of a standing committee by Friday
16 26 of the ~~13th~~ 12th week of the first session and the 11th
16 27 week of the second session.
16 28 3. During the ~~11th~~ 10th week of the first session
16 29 and the 9th week of the second session, each house
16 30 shall consider only bills originating in that house and



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17 1 unfinished business. During the ~~14th~~ 13th week of the
17 2 first session and the 12th week of the second session,
17 3 each house shall consider only bills originating in the
17 4 other house and unfinished business. Beginning with
17 5 the ~~15th~~ 14th week of the first session and the 13th
17 6 week of the second session, each house shall consider
17 7 only bills passed by both houses, bills exempt from
17 8 subsection 2, and unfinished business.

17 9 4. A motion to reconsider filed and not disposed
17 10 of on an action taken on a bill or resolution which is
17 11 subject to a deadline under this rule may be called up
17 12 at any time before or after the day of the deadline by
17 13 the person filing the motion or after the deadline by
17 14 the majority floor leader, notwithstanding any other
17 15 rule to the contrary.

17 16 Rule 21

17 17 Resolutions

17 18 1. A "concurrent resolution" is a resolution to
17 19 be adopted by both houses of the general assembly
17 20 which expresses the sentiment of the general assembly
17 21 or deals with temporary legislative matters. It
17 22 may authorize the expenditure, for any legislative
17 23 purpose, of funds appropriated to the general assembly.
17 24 A concurrent resolution is not limited to, but may
17 25 provide for a joint convention of the general assembly,
17 26 adjournment or recess of the general assembly, or
17 27 requests to a state agency or to the general assembly
17 28 or a committee. A concurrent resolution requires
17 29 the affirmative vote of a majority of the senators or
17 30 representatives present and voting unless otherwise



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18 1 specified by statute. A concurrent resolution does
18 2 not require the governor's approval unless otherwise
18 3 specified by statute. A concurrent resolution shall
18 4 be filed with the secretary of the senate or the chief
18 5 clerk of the house. A concurrent resolution shall be
18 6 printed in the bound journal after its adoption.
18 7 2. A "joint resolution" is a resolution which
18 8 requires for approval the affirmative vote of a
18 9 constitutional majority of each house of the general
18 10 assembly. A joint resolution which appropriates funds
18 11 or enacts temporary laws must contain the clause "Be It
18 12 Enacted by the General Assembly of the State of Iowa:",
18 13 is equivalent to a bill, and must be transmitted to
18 14 the governor for approval. A joint resolution which
18 15 proposes amendments to the Constitution of the State
18 16 of Iowa, ratifies amendments to the Constitution of
18 17 the United States, proposes a request to Congress
18 18 or an agency of the government of the United States
18 19 of America, proposes to Congress an amendment to the
18 20 Constitution of the United States of America, nullifies
18 21 an administrative rule, or creates a special commission
18 22 or committee must contain the clause "Be It Resolved by
18 23 the General Assembly of the State of Iowa:" and shall
18 24 not be transmitted to the governor. A joint resolution
18 25 shall not amend a statute in the Code of Iowa.
18 26 Rule 22
18 27 Nullification Resolutions
18 28 A "nullification resolution" is a joint resolution
18 29 which nullifies all of an administrative rule, or
18 30 a severable item of an administrative rule adopted



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House Concurrent Resolution 12 - Introduced continued

19 1 pursuant to chapter 17A of the Code. A nullification
19 2 resolution shall not amend an administrative rule by
19 3 adding language or by inserting new language in lieu of
19 4 existing language.
19 5 A nullification resolution is debatable, but cannot
19 6 be amended on the floor of the house or senate. The
19 7 effective date of a nullification resolution shall
19 8 be stated in the resolution. Any motions filed to
19 9 reconsider adoption of a nullification resolution
19 10 must be disposed of within one legislative day of the
19 11 filing.
19 12 Rule 23
19 13 Consideration of Vetoes
19 14 1. The senate and house calendar shall include a
19 15 list known as the "Veto Calendar." The veto calendar
19 16 shall consist of:
19 17 a. Bills returned to that house by the governor
19 18 in accordance with Article III, section 16 of the
19 19 Constitution of the State of Iowa.
19 20 b. Appropriations items returned to that house by
19 21 the governor in accordance with Article III, section 16
19 22 of the Constitution of the State of Iowa.
19 23 c. Bills and appropriations items received from the
19 24 other house after that house has voted to override a
19 25 veto of them by the governor.
19 26 2. Vetoed bills and appropriations items shall
19 27 automatically be placed on the veto calendar upon
19 28 receipt. Vetoed bills and appropriations items shall
19 29 not be referred to committee.
19 30 3. Upon first publication in the veto calendar, the



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House Concurrent Resolution 12 - Introduced continued

20 1 senate majority leader or the house majority leader
20 2 may call up a vetoed bill or appropriations item at any
20 3 time.

20 4 4. The affirmative vote of two-thirds of the
20 5 members of the body by record roll call is required on
20 6 a motion to override an executive veto or item veto.

20 7 5. A motion to override an executive veto or item
20 8 veto is debatable. A vetoed bill or appropriation item
20 9 cannot be amended in this case.

20 10 6. The vote by which a motion to override an
20 11 executive veto or item veto passes or fails to pass
20 12 either house is not subject to reconsideration under
20 13 senate rule 24 or house rule 73.

20 14 7. The secretary of the senate or the chief clerk
20 15 of the house shall immediately notify the other house
20 16 of the adoption or rejection of a motion to override an
20 17 executive veto or item veto.

20 18 8. All bills and appropriations items on the veto
20 19 calendar shall be disposed of before adjournment sine
20 20 die, unless the house having a bill or appropriation
20 21 item before it declines to do so by unanimous consent.

20 22 9. Bills and appropriations items on the veto
20 23 calendar are exempt from deadlines imposed by joint
20 24 rule 20.

20 25 Rule 24

20 26 Special Rules Regarding Redistricting for 2010

20 27 1. If, pursuant to chapter 42, either the senate or
20 28 the house of representatives rejects a redistricting
20 29 plan submitted by the legislative services agency, the
20 30 house rejecting the plan shall convey the reasons for



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House Concurrent Resolution 12 - Introduced continued

21 1 the rejection of the plan to the legislative services
21 2 agency by resolution.
21 3 2. If, pursuant to chapter 42, the legislative
21 4 services agency submits a third redistricting plan
21 5 as provided by law, the senate and the house of
21 6 representatives, when considering a bill embodying the
21 7 third plan, shall be allowed to accept for filing as
21 8 amendments only such amendments which constitute the
21 9 total text of a congressional plan without striking
21 10 a legislative redistricting plan, the total text of
21 11 a legislative redistricting plan without striking a
21 12 congressional plan, or the combined total text of a
21 13 congressional plan and a legislative redistricting
21 14 plan, and nonsubstantive, technical corrections to the
21 15 text of any such bills or amendments.

LSB 1420HV (4) 84

rj/rj



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House File 339 - Introduced

HOUSE FILE
BY ISENHART

A BILL FOR

1 An Act relating to campaign finance and making penalties
2 applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1935YH (3) 84
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1 1 Section 1. Section 68A.102, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 014. "Election cycle" includes the first
1 4 of January in an odd=numbered year to the thirty=first day of
1 5 December in the following even=numbered year.
1 6 Sec. 2. Section 68A.401, Code 2011, is amended by adding the
1 7 following new subsections:
1 8 NEW SUBSECTION. 5. Any person who is or has been registered
1 9 with any state or federal government body as a lobbyist or
1 10 government liaison at any time over the current or previous
1 11 election cycle, shall be required to file a report of all
1 12 contributions to Iowa candidate and political committees if
1 13 the sum of such contributions is seven hundred fifty dollars
1 14 or more during an election cycle. In addition to other
1 15 requirements of this section, the report shall identify the
1 16 individuals or groups that the lobbyist represents.
1 17 NEW SUBSECTION. 6. Any person engaged to raise funds for
1 18 a candidate or campaign regulated under Iowa law shall be
1 19 required to file a report of all contributions received by or
1 20 on behalf of one or more candidates or campaigns if the sum
1 21 of such contributions is seven hundred fifty dollars or more
1 22 in an election cycle. The report shall identify the person
1 23 making the solicitation, the persons or groups making the
1 24 contributions, and the candidate or committee receiving the
1 25 contributions. Cities, counties, school boards, and other
1 26 public jurisdictions may apply similar reporting requirements
1 27 for city, county, school board, and other elections, in
1 28 coordination with the board.
1 29 NEW SUBSECTION. 7. If a person is or has been party to a
1 30 contract with the state government or any of its jurisdictions,
1 31 and that person has or will directly or indirectly receive
1 32 ten thousand dollars or more of public funds in consideration
1 33 according to that contract, such person shall report all
1 34 contributions made to candidates or campaigns regulated under
1 35 this chapter if the sum of such contributions is seven hundred



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2 1 fifty dollars or more during an election cycle occurring five
2 2 years before or after the contract was entered into. Cities,
2 3 counties, school boards, and other public jurisdictions may
2 4 apply similar reporting requirements for city, county, school
2 5 board and other public elections, in coordination with the
2 6 board.

2 7 Sec. 3. Section 68A.402A, subsection 1, paragraph h, Code
2 8 2011, is amended to read as follows:

2 9 h. The amount and nature of debts and obligations owed by
2 10 the committee in excess of the applicable amounts specified in
2 11 the schedule in paragraph "b". Loans made to a committee and
2 12 reported under paragraph "e" shall not be considered a debt or
2 13 obligation under this paragraph. A loan made by a committee
2 14 to any person shall be considered a disbursement. Debts and
2 15 obligations, whether incurred orally or in writing, shall be
2 16 listed by the date that the debt or obligation is incurred.

2 17 Sec. 4. Section 68A.402A, subsection 1, Code 2011, is
2 18 amended by adding the following new paragraph:

2 19 NEW PARAGRAPH. 0k. A candidate or committee receiving
2 20 contributions shall report the occupation and employer of any
2 21 contributor making contributions of two hundred fifty dollars
2 22 or more in an election cycle.

2 23 Sec. 5. Section 68A.402A, Code 2011, is amended by adding
2 24 the following new subsection:

2 25 NEW SUBSECTION. 3. The board shall cooperate with local
2 26 jurisdictions establishing reporting requirements. The board
2 27 may assess reasonable fees to such jurisdictions for disclosure
2 28 and reporting services.

2 29 Sec. 6. Section 68A.404, Code 2011, is amended by adding the
2 30 following new subsections:

2 31 NEW SUBSECTION. 1A. The maximum amount an individual can
2 32 contribute to a person that has made or intends to make an
2 33 independent expenditure is seven hundred fifty dollars. The
2 34 maximum amount a corporation can contribute to a person that
2 35 has made or intends to make an independent expenditure is one



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3 1 thousand five hundred dollars.

3 2 NEW SUBSECTION. 1B. A person that is not registered and
3 3 filing full disclosure reports, and who has made one or more
3 4 independent expenditures totaling seven hundred fifty dollars
3 5 or more in an election cycle, shall be required to register
3 6 with the board and, in addition to any other requirements
3 7 already imposed, file regular reports with the board on the
3 8 same basis as, and reporting the same information as, other
3 9 political committees required to register. Such entities shall
3 10 register within ten days of making or exceeding the expenditure
3 11 threshold in this subsection.

3 12 NEW SUBSECTION. 1C. If a candidate or candidate's committee
3 13 either directly or indirectly supplies information to a person
3 14 who has made or subsequently makes an independent expenditure
3 15 in favor of such candidate, or against such candidate's
3 16 opponent, or otherwise to the benefit of the candidate, then
3 17 the candidate or candidate's committee shall provide that
3 18 information to the board. If the information was provided
3 19 orally, then a recording of the oral delivery of information
3 20 shall be supplied. The board shall report the information in
3 21 connection with both the candidate and the person making the
3 22 expenditure.

3 23 NEW SUBSECTION. 7A. A person making an independent
3 24 expenditure for or against a candidate or campaign following
3 25 the last quarterly reporting deadline before an election shall
3 26 simultaneously and directly report such independent expenditure
3 27 to the candidate or campaigns supported or opposed, if such
3 28 expenditure is required to be reported to the board.

3 29 Sec. 7. Section 68A.405, Code 2011, is amended by adding the
3 30 following new subsection:

3 31 NEW SUBSECTION. 3A. An attribution statement shall, in
3 32 addition to other requirements, contain the name of the person
3 33 who is the largest monetary contributor during the election
3 34 cycle to the candidate or person paying for the communication.

3 35 EXPLANATION



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4 1 This bill defines an election cycle to include the first day
4 2 of January in an odd=numbered year to the 31st day of December
4 3 in the following even=numbered year.
4 4 The bill requires lobbyists to report all contributions to
4 5 Iowa candidate and political committees if the sum of such
4 6 contributions is \$750 and to identify the individuals or groups
4 7 that the lobbyist represents.
4 8 The bill requires campaign fund=raisers to file a report
4 9 of all contributions received by or on behalf of one or more
4 10 candidates or campaigns if the sum of such contributions is
4 11 \$750 or more in an election cycle. The report shall identify
4 12 the person making the solicitation, the persons or groups
4 13 making the contributions, and the candidate or committee
4 14 receiving the contributions.
4 15 The bill requires a person who contracts with the state and
4 16 has or will, directly or indirectly, receive \$10,000 or more
4 17 of public funds in consideration according to that contract,
4 18 to report all contributions made to candidates or campaigns
4 19 regulated under Iowa law if the sum of such contributions is
4 20 \$750 or more.
4 21 The bill requires that campaign debts and obligations be
4 22 listed on the report by the date that the debt or obligation is
4 23 incurred.
4 24 The bill requires that a person or committee receiving
4 25 contributions shall report the occupation and employer of any
4 26 contributor making contributions of \$250 or more in an election
4 27 cycle.
4 28 The bill requires the board to cooperate with local
4 29 jurisdictions establishing reporting requirements.
4 30 The bill provides that the maximum amount an individual
4 31 can contribute to a person who has made or intends to make
4 32 an independent expenditure is \$750, and the maximum amount a
4 33 corporation can make to a person who has made or intends to
4 34 make an independent expenditure is \$1,500.
4 35 The bill requires any person that is not registered and



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5 1 filing full disclosure reports, and who has made one or more
5 2 independent expenditures totaling \$750 or more, to register
5 3 with the board and file regular reports on the same basis
5 4 as, and reporting the same information as, other political
5 5 committees required to register and file.

5 6 The bill provides that if a candidate or candidate's
5 7 committee either directly or indirectly supplies information
5 8 to a person who has made or subsequently makes an independent
5 9 expenditure in favor of such candidate, the candidate or
5 10 candidate's committee shall provide that information to the
5 11 ethics and campaign disclosure board.

5 12 The bill requires that a person making an independent
5 13 expenditure for or against a candidate or campaign following
5 14 the last quarterly reporting deadline before an election shall
5 15 simultaneously and directly report such independent expenditure
5 16 to the candidate or campaigns supported or opposed.

5 17 The bill requires that a disclaimer shall contain the name
5 18 of the person who is the largest monetary contributor during
5 19 the election cycle to the candidate or person paying for the
5 20 communication.

5 21 As provided in Code section 68A.701, a willful violation of
5 22 any provision of the campaign finance law, Code chapter 68A,
5 23 is a serious misdemeanor punishable by confinement for up to
5 24 one year and a fine of at least \$315 but not more than \$1,875.
5 25 A variety of civil remedies are also available in Code section
5 26 68B.32D for a violation of Code chapter 68A or rules of the
5 27 ethics and campaign disclosure board, ranging from a reprimand
5 28 to a civil penalty of not more than \$2,000.

LSB 1935YH (3) 84

jr/sc



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House File 340 - Introduced

HOUSE FILE
BY ISENHART

A BILL FOR

1 An Act relating to the state's workers' compensation laws by
2 modifying alternate care procedures for medical treatment,
3 creating registries of physicians who treat and evaluate
4 work-related injuries, providing for the retention of
5 a medical director, creating a state workplace injury
6 care providers registry fund, establishing a workers'
7 compensation advisory board, providing for and appropriating
8 fees, and including effective date provisions.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1112YH (9) 84
av/rj



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1 1 Section 1. Section 85.27, subsection 4, Code 2011, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:
1 4 4. a. For purposes of this section, the employer is
1 5 obligated to furnish reasonable services and supplies to
1 6 treat an injured employee and has the right to predesignate
1 7 the initial provider of medical care. Upon receiving
1 8 notification of an injury, the employer is also obligated
1 9 to provide the injured employee with written information on
1 10 the state's workers' compensation laws, including the rights
1 11 and responsibilities of the employee and the employer and to
1 12 document in writing that the employee received the information
1 13 in a timely manner. The commissioner shall provide, by
1 14 administrative rule, the format, content, and procedure for the
1 15 predesignation of the initial provider of medical care by the
1 16 employer and the provision of this information to the injured
1 17 employee.
1 18 (1) The employer shall promptly provide medical care for
1 19 the injury and may predesignate a licensed physician to treat
1 20 the injury and any condition the physician believes is causally
1 21 related to the injury. If the employer has not predesignated
1 22 a licensed physician to treat the injury and any condition
1 23 causally related to the injury, the employee may designate a
1 24 licensed physician of the employee's choosing to provide that
1 25 treatment.
1 26 (2) The employer may predesignate a physician listed in the
1 27 state registry of workplace injury care providers, as provided
1 28 in section 85.73, to treat the injury and any condition
1 29 causally related to the injury.
1 30 (3) The physician predesignated by the employer or
1 31 designated by the employee shall be authorized by the employer
1 32 to treat the injury at the employer's expense in any manner
1 33 deemed appropriate by the physician, without a requirement of
1 34 preapproval for such referrals by the employer, by an agent or
1 35 representative of the employer, or the employer's insurer.



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2 1 (4) The physician predesignated by the employer or
2 2 designated by the employee shall be authorized to make
2 3 referrals to other physicians, therapists, or health care
2 4 providers of specialized services at the employer's expense
2 5 without a requirement of preapproval for such referrals by the
2 6 employer, an agent or representative of the employer, or the
2 7 employer's insurer.
2 8 b. The physician predesignated by the employer or designated
2 9 by the employee to treat the injured employee shall provide
2 10 ongoing written documentation of the physician's opinions,
2 11 treatment recommendations, and care plan to the employee. Such
2 12 documentation shall indicate whether or not the physician's
2 13 opinions, treatment recommendations, and care plan are in
2 14 accord with the most recent edition of either the official
2 15 disability guidelines and treatment guidelines in workers'
2 16 compensation published by the work loss data institute or the
2 17 American college of occupational and environmental medicine
2 18 practice guidelines published by the American college of
2 19 occupational and environmental medicine, and if so, shall cite
2 20 the appropriate guidelines.
2 21 c. (1) If an employee receives treatment for an injury
2 22 from a physician predesignated by the employer and prior to
2 23 an evaluation of permanent disability by that predesignated
2 24 physician, the injured employee may be examined by and obtain a
2 25 second opinion, treatment recommendations, or a care plan from
2 26 another licensed physician of the employee's choosing. The
2 27 employee may request and the employer shall pay the reasonable
2 28 costs associated with this examination, including reimbursement
2 29 for transportation expenses incurred by the employee for
2 30 the examination. The employee shall notify the physician
2 31 predesignated by the employer that the employee is consulting
2 32 with another physician of the employee's choosing.
2 33 (2) If an employee receives treatment for an injury from
2 34 a physician designated by the employee, the employer is not
2 35 responsible for the costs of obtaining a second opinion,



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3 1 treatment recommendations, or a care plan from an additional
3 2 licensed physician of the employee's choosing.
3 3 d. If the employer or employee has reason to be dissatisfied
3 4 with the care of a treating physician predesignated or
3 5 designated by the other party or with any referral made by that
3 6 physician, the employer and employee may mutually agree upon
3 7 alternate care.
3 8 e. If the employer and employee cannot agree on alternate
3 9 care, either the employer or employee may notify an insurance
3 10 claims specialist within the division of workers' compensation,
3 11 who shall, within five working days schedule a conference
3 12 between the employer and employee by any reasonable manner
3 13 available to review the basis for dissatisfaction and provide
3 14 an advisory opinion to resolve the medical care dispute.
3 15 f. If, following the conference with the insurance claims
3 16 specialist, the employer and employee cannot agree on such
3 17 alternate care, the workers' compensation commissioner
3 18 may, upon application and reasonable proof of the necessity
3 19 therefor, allow and order alternate care.
3 20 (1) The employee is responsible to make the application
3 21 for alternate care and to provide reasonable proof for the
3 22 necessity of alternate care if all of the following actions
3 23 occurred:
3 24 (a) The employer provided written information about the
3 25 state's workers' compensation laws as provided in paragraph
3 26 "a".
3 27 (b) The employer predesignated a treating physician listed
3 28 on the state registry of workplace injury care providers as
3 29 provided in paragraph "a", subparagraph (2).
3 30 (c) The treating physician predesignated by the employer
3 31 provided written documentation of the physician's opinions,
3 32 treatment recommendations, and care plan to the employee along
3 33 with a citation to appropriate treatment guidelines as provided
3 34 in paragraph "b".
3 35 (2) The employer is responsible to make the application



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4 1 for alternate care and to provide reasonable proof for the
4 2 necessity of alternate care if any of the actions specified in
4 3 subparagraph (1) did not occur or if the employee designated
4 4 the treating physician to treat the injury.

4 5 (3) The commissioner shall not be bound by the advisory
4 6 opinion of the insurance claims specialist. Upon application,
4 7 the workers' compensation commissioner shall conduct a hearing
4 8 in any reasonable manner to effectuate a prompt resolution of
4 9 the alternate care dispute. The commissioner shall issue a
4 10 decision within ten working days of receipt of an application
4 11 for alternate care.

4 12 (4) The employer or its insurer is liable for the costs of
4 13 all medical care provided by a physician predesignated by the
4 14 employer or designated by the employee pursuant to paragraph
4 15 "a", subparagraph (1), or from referrals from the predesignated
4 16 or designated physician, and shall hold the employee harmless
4 17 for the cost of care by the predesignated or designated care
4 18 providers.

4 19 (5) In an emergency, the employee may choose the employee's
4 20 care at the employer's expense, provided the employer or the
4 21 employer's agent cannot be immediately contacted to indicate
4 22 who the employer has predesignated as a treating physician.

4 23 (6) The employer shall notify an injured employee of the
4 24 employee's ability to contest the employer's choice of the
4 25 predesignated treating physician or other provider of medical
4 26 care as part of the information given to the employee as
4 27 required under paragraph "a".

4 28 g. (1) The employer has the right to request an employee
4 29 to submit, as often as is reasonable and at a reasonable time
4 30 and place, to an examination by a licensed physician chosen
4 31 by the employer for any purpose relevant to the employer's
4 32 duties to provide benefits to the employee under this chapter,
4 33 or chapters 85A, 85B, and 86. If the employer makes such a
4 34 request to an employee in writing and offers to advance or
4 35 reimburse the employee's transportation expenses incurred



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5 1 in traveling to and from the place of the examination, the
5 2 employee shall submit to the examination.

5 3 (2) Each time that an employee is requested to and submits
5 4 to an examination requested by the employer as provided in
5 5 subparagraph (1), the employee has the right to be examined by
5 6 a licensed physician chosen by the employee for any purpose
5 7 relevant to the employer's duties to provide benefits to the
5 8 employee as described in subparagraph (1).

5 9 (3) Each time that an employer obtains an evaluation of
5 10 an employee's permanent disability by a physician chosen
5 11 by the employer, if the injured employee believes that the
5 12 evaluation of the extent of the employee's permanent disability
5 13 is too low, the employee may obtain a subsequent examination
5 14 and evaluation of the employee's permanent disability by a
5 15 physician of the employee's choice. The physician chosen by
5 16 the employee has the right to confer with and obtain sufficient
5 17 medical history of the employee from the physician who examined
5 18 the employee on behalf of the employer to make a proper
5 19 evaluation of the employee's permanent disability.

5 20 (4) The employer shall promptly pay the costs of any
5 21 examination obtained pursuant to this paragraph "g", or if
5 22 necessary to obtain the examination, advance the costs of
5 23 the examination, and pay the employee's reasonably necessary
5 24 transportation expenses incurred in traveling to and from the
5 25 place of any examination and shall hold the employee harmless
5 26 for the cost of all examinations and medical care provided
5 27 pursuant to this paragraph "g" as well as the employee's
5 28 reasonably necessary transportation expenses.

5 29 Sec. 2. NEW SECTION. 85.73 State workplace injury care
5 30 providers == registry == fees.

5 31 1. The workers' compensation commissioner shall establish
5 32 and maintain a registry of physicians licensed in the state
5 33 that offer or provide treatment of work-related injuries.

5 34 2. The commissioner shall, by administrative rule,
5 35 establish requirements for a physician to be listed on the



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6 1 registry and establish a registration fee.
6 2 3. This section shall not be construed to require a
6 3 physician to be listed on the registry in order to offer or
6 4 provide treatment of work-related injuries.
6 5 4. This section shall not be construed to prohibit an
6 6 employer from predesignating or an employee from designating a
6 7 physician to provide treatment of a work-related injury who is
6 8 not listed on the registry.
6 9 Sec. 3. NEW SECTION. 85.74 Independent medical evaluations
6 10 === provider == registry == fees.
6 11 1. The commissioner shall establish and maintain a separate
6 12 registry of licensed physicians trained to perform independent
6 13 medical evaluations and to issue impairment ratings of injured
6 14 employees.
6 15 2. The commissioner shall establish, by administrative
6 16 rule, minimum training requirements for a physician to be
6 17 listed on the registry and establish a registration fee.
6 18 3. The commissioner shall also provide by administrative
6 19 rule that a physician must be listed on the registry in order
6 20 to perform independent medical evaluations and issue impairment
6 21 ratings of injured employees in this state. The commissioner
6 22 may prohibit an employer or employee from using an independent
6 23 medical evaluation or an impairment rating of an injured
6 24 employee from a physician who is not listed on the registry
6 25 as evidence at a hearing to determine benefits under Iowa's
6 26 workers' compensation laws.
6 27 Sec. 4. NEW SECTION. 85.75 Fees appropriated.
6 28 All fees collected pursuant to sections 85.73 and 85.74
6 29 shall be credited to the state workplace injury care providers
6 30 registry fund created in section 85.77 and are appropriated to
6 31 the division to be used to carry out the provisions of sections
6 32 85.73, 85.74, 85.76, and 85.78, including but not limited
6 33 to establishing and maintaining the registries described in
6 34 sections 85.73 and 85.74, retaining a medical director as set
6 35 forth in section 85.76, and providing for the expenses of the



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7 1 workers' compensation advisory board created in section 85.78.
7 2 Sec. 5. NEW SECTION. 85.76 Medical director.
7 3 The workers' compensation commissioner may retain the
7 4 services of a medical director to assist the division of
7 5 workers' compensation in advancing occupational health in Iowa
7 6 and to advise the commissioner on how to successfully apply and
7 7 administer the state's workers' compensation laws, including
7 8 assessments of the use of evidence-based care in treating
7 9 work-related injuries.
7 10 Sec. 6. NEW SECTION. 85.77 State workplace injury care
7 11 providers registry fund.
7 12 1. A state workplace injury care providers registry fund
7 13 is created in the state treasury as a separate fund under the
7 14 control of the division of workers' compensation. All moneys
7 15 appropriated or transferred to the fund shall be credited to
7 16 the fund. All moneys deposited or paid into the fund shall
7 17 only be appropriated to the workers' compensation commissioner
7 18 to be used for the purposes set forth in sections 85.73, 85.74,
7 19 85.75, and 85.76.
7 20 2. Notwithstanding section 8.33, any balance in the fund
7 21 on June 30 of each fiscal year shall not revert to the general
7 22 fund of the state, but shall be available for purposes of
7 23 sections 85.73, 85.74, 85.75, 85.76, and 85.78 in subsequent
7 24 fiscal years. Notwithstanding section 12C.7, interest earnings
7 25 on moneys in the fund shall be credited to the fund.
7 26 Sec. 7. NEW SECTION. 85.78 Workers' compensation advisory
7 27 board.
7 28 1. A workers' compensation advisory board is established
7 29 within the division of workers' compensation. The board shall
7 30 be composed of the following persons:
7 31 a. Two members appointed by the governor and subject to
7 32 confirmation by the senate pursuant to section 2.32, one
7 33 representing employers, and one representing organized labor.
7 34 b. Two members appointed jointly by the president and the
7 35 minority leader of the senate, one representing employers, and



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8 1 one representing organized labor.
8 2 c. Two members appointed jointly by the speaker and
8 3 the minority leader of the house of representatives, one
8 4 representing employers and one representing organized labor.
8 5 2. The members shall serve six=year terms beginning and
8 6 ending as provided in section 69.19. However, the initial
8 7 members shall be appointed to serve for less than six years to
8 8 ensure members serve staggered terms. A member is eligible for
8 9 reappointment. A vacancy on the board shall be filled for the
8 10 unexpired portion of the regular term in the same manner as
8 11 regular appointments are made.
8 12 3. One representative of employers and one of organized
8 13 labor shall be elected as co=chairpersons by the board and
8 14 shall serve for two=year staggered terms. However, one of
8 15 the initial co=chairpersons shall be elected to serve for
8 16 a three=year term to ensure that the co=chairpersons serve
8 17 staggered terms.
8 18 4. Four members constitute a quorum. The affirmative vote
8 19 of a majority of the voting members present as well as the
8 20 approval of at least two employer representatives and two labor
8 21 representatives is necessary for any substantive action to be
8 22 taken by the board. The majority shall not include any member
8 23 who has a conflict of interest and a statement by a member
8 24 that the member has a conflict of interest is conclusive for
8 25 this purpose. A vacancy in the membership does not impair the
8 26 duties of the board.
8 27 5. The board shall meet on a regular basis and at the call
8 28 of the co=chairpersons or upon the written request to the
8 29 co=chairpersons of two or more members.
8 30 6. The members are entitled to receive a per diem allowance
8 31 and actual expense reimbursement as specified in section 7E.6.
8 32 7. The purpose of the board is to assist the workers'
8 33 compensation commissioner in the successful administration
8 34 of the division of workers' compensation and to make
8 35 recommendations to the governor and the general assembly



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House File 340 - Introduced continued

- 9 1 regarding workplace safety and improvements to the state's
9 2 workers' compensation system.
- 9 3 8. The responsibilities of the board are as follows:
- 9 4 a. Monitor and support the successful implementation of the
9 5 state's workers' compensation laws.
- 9 6 b. Identify problems and recommend solutions and
9 7 improvements with respect to the effectiveness of the state's
9 8 workers' compensation system, to the division of workers'
9 9 compensation and to the governor and the general assembly.
- 9 10 c. Assist the workers' compensation commissioner in
9 11 developing and implementing a program to train and certify
9 12 claims adjusters for practice in Iowa.
- 9 13 d. Work with all stakeholders, including the medical
9 14 director retained pursuant to section 85.76, to develop and
9 15 promote a system of high=performance, transparent, accountable,
9 16 and evidence=based health care for the treatment and prevention
9 17 of workplace injuries.
- 9 18 e. Make recommendations to and receive recommendations from
9 19 the nonprofit Iowa workers' compensation advisory committee
9 20 regarding topics for stakeholder and public education with
9 21 respect to the application of workers' compensation law and
9 22 successful workers' compensation programs and strategies, as
9 23 well as the prevention of workplace injuries.
- 9 24 Sec. 8. EFFECTIVE DATE. The following provision or
9 25 provisions of this Act take effect July 1, 2012:
- 9 26 1. Section 1 of this Act amending section 85.27.
- 9 27 2. Section 3 of this Act enacting section 85.74.
- 9 28 Sec. 9. EFFECTIVE DATE. The following provision or
9 29 provisions of this Act take effect January 1, 2012:
- 9 30 1. Section 2 of this Act enacting section 86.73.
- 9 31 2. Section 4 of this Act enacting section 85.75.
- 9 32 3. Section 5 of this Act enacting section 85.76.
- 9 33 4. Section 6 of this Act enacting section 85.77.
- 9 34 5. Section 7 of this Act enacting section 85.78.

9 35 EXPLANATION



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10 1 This bill relates to the state's workers' compensation laws
10 2 by modifying alternate care procedures for medical treatment,
10 3 creating registries of physicians who treat and evaluate
10 4 work-related injuries, providing for the retention of a medical
10 5 director, creating a state workplace injury care providers
10 6 registry fund, establishing a workers' compensation advisory
10 7 board, providing for fees, and providing effective dates.
10 8 ALTERNATE CARE. Code section 85.27(4), concerning the
10 9 provision of medical services, requires an employer to provide
10 10 written information about the state's workers' compensation
10 11 laws to an employee upon receiving notification that the
10 12 employee has suffered a work-related injury. The employer has
10 13 the right to predesignate a licensed physician to treat the
10 14 injury and make necessary referrals and may predesignate a
10 15 physician listed on the state registry of workplace injury care
10 16 providers. If the employer does not predesignate a treating
10 17 physician, the employee may designate a physician of the
10 18 employee's choosing to provide the treatment.
10 19 The physician predesignated by the employer or designated
10 20 by the employee is required to provide ongoing written
10 21 documentation of the physician's opinions, treatment
10 22 recommendations, and care plan to the employee along with
10 23 information about whether the opinions, recommendations, and
10 24 care plan are in accord with either the official disability
10 25 guidelines and treatment guidelines in workers' compensation
10 26 published by the work loss data institute or the American
10 27 college of occupational and environmental medicine practice
10 28 guidelines (ACOEM), and if so, citation to the appropriate
10 29 guidelines. The employee has the right to request and obtain
10 30 a second opinion from another licensed physician of the
10 31 employee's choosing at the employer's expense.
10 32 If the employer or employee is dissatisfied with the care
10 33 of a treating physician predesignated or designated by the
10 34 other party or with any referral made by that physician, the
10 35 employer and employee may mutually agree to alternate care. If



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11 1 they cannot agree on alternate care, either party may notify
11 2 an insurance claims specialist within the division of workers'
11 3 compensation, who shall, within five working days, schedule
11 4 a conference between the parties to review the basis for
11 5 dissatisfaction and provide an advisory opinion to resolve the
11 6 dispute. If the parties still cannot agree on alternate care
11 7 after this conference, the workers' compensation commissioner
11 8 may, upon application and reasonable proof of the necessity,
11 9 allow and order alternate care.

11 10 The employee is responsible to make the application for
11 11 alternate care and to provide such reasonable proof to the
11 12 commissioner if the employer provided written information
11 13 about the state's workers' compensation laws at the time of
11 14 notification of the employee's injury, and predesignated a
11 15 treating physician listed on the state registry of workplace
11 16 injury care providers, and if the treating physician
11 17 predesignated by the employer provided written documentation
11 18 to the employee of the physician's opinions, treatment
11 19 recommendations, and care plan along with citation to the
11 20 appropriate treatment guidelines.

11 21 The employer is responsible for making the application for
11 22 alternate care and providing reasonable proof if the employer
11 23 and predesignated treating physician did not act as described
11 24 above or if the employee designated the treating physician to
11 25 treat the work injury.

11 26 The commissioner is not bound by the advisory opinion of
11 27 the claims specialist and must conduct a hearing and issue
11 28 a decision within 10 days of receipt of an application for
11 29 alternate care.

11 30 The employer has the right to request an employee to submit,
11 31 as often as is reasonable and at a reasonable time and place
11 32 to an examination by a licensed physician chosen by the
11 33 employer for any purpose relevant to the employer's duties to
11 34 provide benefits to the employee under the state's workers'
11 35 compensation laws and at the employer's expense. If the



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House File 340 - Introduced continued

12 1 employer makes the request in writing and pays all expenses,
12 2 including transportation, the employee shall submit to the
12 3 examination. Each time that the employer obtains an evaluation
12 4 of an employee's permanent disability by a physician chosen by
12 5 the employer, if the employee believes that the evaluation of
12 6 disability is too low, the employee may obtain a subsequent
12 7 examination and evaluation by a physician of the employee's
12 8 choosing at the employer's expense, including transportation
12 9 expenses to and from the place of the examination.

12 10 PROVIDER REGISTRIES == FEES == MEDICAL DIRECTOR. New Code
12 11 section 85.73 requires the workers' compensation commissioner
12 12 to establish and maintain a registry of licensed physicians
12 13 that offer or provide treatment of work-related injuries.
12 14 The commissioner shall, by administrative rule, establish
12 15 requirements for a physician to be listed on the registry and
12 16 establish a registration fee. The provision shall not be
12 17 construed to require a physician to be listed on the registry
12 18 in order to offer or provide treatment of work-related injuries
12 19 or to prohibit an employer or employee from predesignating or
12 20 designating a physician to provide treatment who is not listed
12 21 on the registry.

12 22 New Code section 85.74 requires the commissioner to
12 23 establish and maintain a separate registry of licensed
12 24 physicians trained to perform independent medical evaluations
12 25 and to issue impairment ratings of injured employees. The
12 26 commissioner shall establish, by administrative rule, minimum
12 27 training requirements for a physician to be listed on the
12 28 registry and establish a fee. A physician must be listed
12 29 on the registry in order to perform independent medical
12 30 evaluations and issue impairment ratings of injured employees
12 31 in this state. The commissioner may prohibit an employer
12 32 or employee from using an independent medical evaluation or
12 33 impairment rating of an injured employee from a physician who
12 34 is not listed on the registry as evidence at a hearing to
12 35 determine benefits under Iowa's workers' compensation laws.



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House File 340 - Introduced continued

13 1 New Code section 85.76 authorizes the commissioner to
13 2 retain the services of a medical director to assist the
13 3 division of workers' compensation in advancing the field of
13 4 occupational health in Iowa and to advise the commissioner on
13 5 how to successfully apply and administer the state's workers'
13 6 compensation laws.
13 7 STATE WORKPLACE INJURY CARE PROVIDERS REGISTRY FUND. All
13 8 registration fees collected pursuant to new Code sections 85.73
13 9 and 85.74 shall be credited to the state workplace injury care
13 10 providers registry fund created in new Code section 85.77 and
13 11 are appropriated to the division of workers' compensation by
13 12 new Code section 85.75 to carry out the provisions of new Code
13 13 sections 85.73, 85.74, 85.75, and 85.76 including establishing
13 14 and maintaining the two physician registries, retaining
13 15 a medical director, and for the expenses of the workers'
13 16 compensation advisory board created in new Code section 85.78.
13 17 WORKERS' COMPENSATION ADVISORY BOARD. New Code section
13 18 85.78 establishes a workers' compensation advisory board within
13 19 the division of workers' compensation that is composed of six
13 20 members, three representing employers and three representing
13 21 organized labor. The governor appoints two of the members,
13 22 the president and the minority leader of the senate jointly
13 23 appoint two members, and the speaker and the minority leader
13 24 of the house of representatives jointly appoint two members.
13 25 The members serve six-year staggered terms. The purpose of
13 26 the board is to assist the workers' compensation commissioner
13 27 in the successful administration of the division of workers'
13 28 compensation and to make recommendations to the governor
13 29 and the general assembly regarding workplace safety and
13 30 improvements to the state's workers' compensation system.
13 31 EFFECTIVE DATES. The sections of the bill creating the
13 32 provider registry for treatment of work injuries, the provider
13 33 registry fund, the position of medical director, and the
13 34 advisory board, and appropriating fees, take effect January 1,
13 35 2012. The sections of the bill pertaining to alternate care



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14 1 procedures and required registration of physicians performing
14 2 independent medical evaluations and impairment ratings take
14 3 effect July 1, 2012.
LSB 1112YH (9) 84
av/rj



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House File 341 - Introduced

HOUSE FILE
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HF 99)

A BILL FOR

- 1 An Act modifying the repeal date for the climate change
- 2 advisory council, deleting related provisions, and including
- 3 effective date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1634HV (1) 84
rn/nh



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House File 341 - Introduced continued

PAG LIN

1 1 Section 1. Section 455B.104, subsection 4, Code 2011, is
1 2 amended by striking the subsection.
1 3 Sec. 2. REPEAL. Section 455B.851, Code 2011, is repealed.
1 4 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 5 immediate importance, takes effect upon enactment.

1 6 EXPLANATION

1 7 This bill changes the date on which Code section 455B.851,
1 8 establishing the Iowa climate change advisory council,
1 9 is repealed from the current date of July 1, 2011, to the
1 10 effective date of this bill. The bill also deletes a provision
1 11 which requires the department of natural resources to submit by
1 12 December 31 annually a report to the governor and the general
1 13 assembly regarding greenhouse gas emissions in the state during
1 14 the previous calendar year and forecasting trends in such
1 15 emissions.

1 16 The bill takes effect upon enactment, which results in an
1 17 earlier repeal date for the council than currently specified.

LSB 1634HV (1) 84

rn/nh



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House File 342 - Introduced

HOUSE FILE
BY WINDSCHITL

A BILL FOR

1 An Act allowing the issuance of joint permits to manufacture
2 various types of alcoholic beverages and providing for fees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2404YH (2) 84
rn/nh



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House File 342 - Introduced continued

PAG LIN

1 1 Section 1. Section 123.45, Code 2011, is amended to read as
1 2 follows:

1 3 123.45 Limitations on business interests.

1 4 1. Except as provided in section 123.6, a commission
1 5 member or division employee shall not, directly or indirectly,
1 6 individually, or as a member of a partnership or shareholder
1 7 in a corporation, have any interest in dealing in or in the
1 8 manufacture of alcoholic liquor, wine, or beer, and shall
1 9 not receive any kind of profit nor have any interest in the
1 10 purchase or sale of alcoholic liquor, wine, or beer by persons
1 11 so authorized under this chapter. However, this provision does
1 12 not prohibit any member or employee from lawfully purchasing
1 13 and keeping alcoholic liquor, wine, or beer in the member's or
1 14 employee's possession for personal use.

1 15 2. A person engaged in the business of manufacturing,
1 16 bottling, or wholesaling alcoholic beverages, wine, or beer, or
1 17 any jobber, representative, broker, employee, or agent of such
1 18 a person, shall not directly or indirectly supply, furnish,
1 19 give, or pay for any furnishings, fixtures, or equipment used
1 20 in the storage, handling, serving, or dispensing of alcoholic
1 21 beverages, wine, beer, or food within the place of business of
1 22 a licensee or permittee authorized under this chapter to sell
1 23 at retail; nor shall the person directly or indirectly extend
1 24 any credit for alcoholic beverages or beer or pay for any such
1 25 license or permit~~;~~; nor directly or indirectly be interested in
1 26 the ownership, conduct, or operation of the business of another
1 27 licensee or permittee authorized under this chapter to sell at
1 28 retail~~;~~; nor hold a retail liquor control license or retail
1 29 wine or beer permit. ~~However, a~~

1 30 3. The limitations contained in subsection 2 shall be
1 31 subject to the following exceptions:

1 32 a. A person engaged in the wholesaling of beer or wine
1 33 may sell only disposable glassware, which is constructed of
1 34 paper, paper laminated, or plastic materials and designed
1 35 primarily for personal consumption on a one-time usage



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2 1 basis, to retailers for use within the premises of licensed
2 2 establishments, for an amount which is greater than or equal
2 3 to an amount which represents the greater of either the amount
2 4 paid for the disposable glassware by the supplier or the amount
2 5 paid for the disposable glassware by the wholesaler. ~~Also, a~~

2 6 b. A person engaged in the business of manufacturing beer
2 7 may sell beer at retail for consumption on or off the premises
2 8 of the manufacturing facility and, notwithstanding any other
2 9 provision of this chapter or the fact that a person is the
2 10 holder of a class "A" beer permit, may be granted not more than
2 11 one class "B" beer permit as defined in section 123.124 for
2 12 that purpose.

2 13 c. A permit to manufacture any combination of native
2 14 wine, micro=distilled spirits, or beer may be issued to the
2 15 same person or group of persons, and the person or group of
2 16 persons may operate the businesses out of the same physical
2 17 location, provided the required permits have been issued for
2 18 each respective entity, as provided in section 123.151.

2 19 4. A licensee or permittee who permits or assents to or is a
2 20 party in any way to a violation or infringement of this section
2 21 is guilty of a violation of this section.

2 22 Sec. 2. NEW SECTION. 123.151 Joint permits ==== joint
2 23 physical locations.

2 24 The division shall by rule develop a procedure for the
2 25 issuance of a joint permit to manufacture any combination of
2 26 native wine, micro=distilled spirits, or beer to the same
2 27 person or group of persons, and the person or group of persons
2 28 may operate the businesses out of the same physical location,
2 29 provided the person or group of persons qualifies for issuance
2 30 of individual permits for each respective business. The
2 31 total annual permit fees and any other applicable fees or
2 32 charges shall be the cumulative total of the fees applicable
2 33 if individual permits for the manufacture of native wine,
2 34 micro=distilled spirits, or beer were obtained.

2 35 EXPLANATION



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House File 342 - Introduced continued

3 1 This bill directs the alcoholic beverages division of the
3 2 department of commerce to develop a procedure for the issuance
3 3 of a joint permit to manufacture any combination of native
3 4 wine, micro=distilled spirits, or beer to the same person
3 5 or group of persons, and the person or group of persons may
3 6 operate the businesses out of the same physical location,
3 7 provided the person or group of persons qualifies for issuance
3 8 of individual permits for each respective business. The bill
3 9 provides that the total annual permit fees and any other
3 10 applicable fees or charges shall be the cumulative total of
3 11 the fees applicable if individual permits for each entity were
3 12 obtained. The bill adds a corresponding provision to Code
3 13 section 123.45, as an exception to current provisions which
3 14 restrict or limit potentially conflicting business interests
3 15 among alcoholic beverage, wine, or beer licensees under Code
3 16 chapter 123.

LSB 2404YH (2) 84

rn/nh



Iowa General Assembly
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House File 343 - Introduced

HOUSE FILE
BY HAGENOW

A BILL FOR

1 An Act relating to the membership and procedures of the state
2 judicial nominating commission, the procedures of all
3 judicial nominating commissions, and certain retention
4 procedures, and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2653YH (4) 84
jm/rj



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House File 343 - Introduced continued

PAG LIN

1 1 Section 1. Section 46.1, Code 2011, is amended to read as
1 2 follows:
1 3 46.1 Appointment of state judicial nominating commissioners.
1 4 The governor shall appoint, subject to confirmation by the
1 5 senate, ~~one~~ two eligible ~~elector~~ electors of each congressional
1 6 district to the state judicial nominating commission for a
1 7 six=year term beginning and ending as provided in section
1 8 69.19. At least one appointive member from each congressional
1 9 district shall be a member, in good standing, of the bar. The
1 10 terms of no more than three nor less than two of the members
1 11 shall expire within the same two=year period. No more than a
1 12 simple majority of the members appointed shall be of the same
1 13 gender. The appointive members shall be voting members.
1 14 Sec. 2. NEW SECTION. 46.1A Legislative members of the state
1 15 judicial nominating commission.
1 16 The following persons or the persons' designees shall be
1 17 voting members of the state judicial nominating commission:
1 18 1. The president of the senate.
1 19 2. The speaker of the house of representatives.
1 20 3. The minority leader of the senate.
1 21 4. The minority leader of the house of representatives.
1 22 Sec. 3. Section 46.2, Code 2011, is amended to read as
1 23 follows:
1 24 46.2 Election of state judicial nominating commissioners.
1 25 The resident members of the bar of each congressional
1 26 district shall elect ~~one~~ two eligible ~~elector~~ electors of
1 27 the district to the state judicial nominating commission
1 28 for a six=year term beginning July 1. The terms of no more
1 29 than three nor less than two of the members shall expire
1 30 within the same two=year period, the expiration dates being
1 31 governed by the expiration dates of the terms of the original
1 32 appointive members. The members of the bar of the respective
1 33 congressional districts shall in January, immediately preceding
1 34 the expiration of the term of a member of the commission, elect
1 35 a successor for a like term. For the first elective term



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2 1 open on or after July 1, 1987, in the odd=numbered districts
2 2 the elected member shall be a woman and in the even=numbered
2 3 districts the elected member shall be a man. Thereafter,
2 4 the districts shall alternate between women and men elected
2 5 members. The elected members shall be nonvoting advisory
2 6 members of the commission.

2 7 Sec. 4. NEW SECTION. 46.2B Chairperson of the state
2 8 judicial nominating commission.

2 9 The lieutenant governor shall be the chairperson of the
2 10 state judicial nominating commission. The chairperson shall be
2 11 a nonvoting member of the commission.

2 12 Sec. 5. NEW SECTION. 46.2D State judicial nominating
2 13 commission ~~====~~ procedures.

2 14 1. As used in this section, "publish" means to publish
2 15 electronically on the judicial branch's internet site.

2 16 2. The state judicial nominating commission shall adopt and
2 17 publish internal rules and procedures. The rules shall require
2 18 the commission to do the following:

2 19 a. Conduct at least one interview with each applicant
2 20 seeking a nomination to the supreme court or court of appeals
2 21 that is open to the public.

2 22 b. Publish a schedule of the public interviews at least ten
2 23 days in advance of the interviews.

2 24 c. Publish all nonconfidential information included in each
2 25 application at least ten days prior to the interview.

2 26 d. Publish the number of affirmative votes each interviewed
2 27 applicant received for nomination immediately preceding the
2 28 release of the names of the nominees.

2 29 Sec. 6. Section 46.6, Code 2011, is amended to read as
2 30 follows:

2 31 46.6 ~~Equal seniority~~ Chairperson of a district judicial
2 32 nominating commission.

2 33 1. The district judge with the longest service shall be the
2 34 chairperson of the district judicial nominating commission.

2 35 2. ~~If the judges of longest service (other than the chief~~



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~~3 1 justice) of the supreme court or of the district court two or~~
~~3 2 more judges with the longest service in a district are of equal~~
~~3 3 service, the eldest of such judges shall be chairperson of the~~
~~3 4 particular judicial nominating commission.~~
~~3 5 Sec. 7. Section 46.14, subsection 1, Code 2011, is amended~~
~~3 6 to read as follows:~~
~~3 7 1. Each judicial nominating commission shall carefully~~
~~3 8 consider the individuals available for judge, and within sixty~~
~~3 9 days after receiving notice of a vacancy. The application~~
~~3 10 period for an individual to apply for a vacancy shall be sixty~~
~~3 11 days from the date the commission receives notice of a vacancy.~~
~~3 12 The commission shall certify to the governor and the chief~~
~~3 13 justice the proper number of nominees, in alphabetical order~~
~~3 14 within sixty days of the expiration of the application period.~~
~~3 15 Such nominees shall be chosen by the affirmative vote of a~~
~~3 16 majority of the full statutory number of voting commissioners~~
~~3 17 upon the basis of their qualifications and without regard to~~
~~3 18 political affiliation. Nominees shall be members of the bar~~
~~3 19 of Iowa, shall be residents of the state or district of the~~
~~3 20 court to which they are nominated, and shall be of such age~~
~~3 21 that they will be able to serve an initial and one regular~~
~~3 22 term of office to which they are nominated before reaching~~
~~3 23 the age of seventy-two years. Nominees for district judge~~
~~3 24 shall file a certified application form, to be provided by the~~
~~3 25 supreme court, with the chairperson of the district judicial~~
~~3 26 nominating commission. Absence of a commissioner or vacancy~~
~~3 27 upon the commission shall not invalidate a nomination. The~~
~~3 28 chairperson of the commission shall promptly certify the names~~
~~3 29 of the nominees, in alphabetical order, to the governor and the~~
~~3 30 chief justice.~~
~~3 31 Sec. 8. NEW SECTION. 46.26 Retention vote ====~~
~~3 32 disqualification.~~
~~3 33 A judge not receiving more affirmative votes than negative~~
~~3 34 votes at the judicial election shall be disqualified from~~
~~3 35 submitting an application for nomination for any judicial~~



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4 1 officer position for a period of two years from the date of the
4 2 judicial election.

4 3 Sec. 9. END OF VOTING RIGHTS OF ELECTED MEMBERS. The voting
4 4 rights of the current elected members of the state judicial
4 5 nominating commission end on the effective date of this section
4 6 of this Act.

4 7 Sec. 10. EFFECTIVE UPON ENACTMENT. The section of this Act
4 8 relating to the end of voting rights of elected members, being
4 9 deemed of immediate importance, takes effect upon enactment.

4 10 Sec. 11. EFFECTIVE DATE. The following provisions of this
4 11 Act take effect January 1, 2013:

4 12 1. The section of this Act amending section 46.1.
4 13 2. The section of this Act amending section 46.2.

4 14 EXPLANATION

4 15 This bill relates to the membership of the state judicial
4 16 nominating commission, procedures for all judicial nominating
4 17 commissions, and retention procedures.

4 18 The bill specifies that members appointed to the state
4 19 judicial nominating commission by the governor shall be
4 20 voting members of the commission and members elected to the
4 21 commission by members of the state bar shall be advisory,
4 22 nonvoting members of the commission. Current law provides
4 23 that both appointed and elected members of the state judicial
4 24 nominating commission are voting members. The voting rights of
4 25 the current elected members on the state judicial nominating
4 26 commission end immediately upon enactment of the bill.

4 27 The bill does not modify Code section 46.2A which terminates
4 28 the terms each appointed and elected member of the state
4 29 judicial nominating commission on December 31, 2012, and
4 30 establishes new staggered transitional terms begin January
4 31 1, 2013, based upon the four congressional districts being
4 32 established following the 2010 decennial census. The bill
4 33 does amend Code sections 46.1 and 46.2 to reflect the fact
4 34 the governor appoints two members from each of the four new
4 35 congressional districts effective January 1, 2013, and the



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5 1 state bar elects two members to the state judicial nominating
5 2 commission, on January 1, 2013, from each of the four new
5 3 congressional districts.
5 4 The bill, beginning with governor appointments on or after
5 5 January 1, 2013, requires at least one member appointed by the
5 6 governor to the state judicial nominating commission from each
5 7 congressional district be a member, in good standing, of the
5 8 bar.
5 9 The remainder of the bill takes effect on July 1 after
5 10 enactment.
5 11 The bill makes the president of the senate, the speaker
5 12 of the house of representatives, the minority leader of the
5 13 senate, and the minority leader of the house, voting members
5 14 of the state judicial nominating commission. The bill also
5 15 provides a legislative member of the commission may appoint a
5 16 designee to act in the place of the legislative leader on the
5 17 state judicial nominating commission.
5 18 The bill strikes a provision making the supreme court
5 19 justice with the longest tenure the chairperson of the state
5 20 judicial nominating commission. The bill makes the lieutenant
5 21 governor the chairperson of the commission and provides the
5 22 lieutenant governor shall be a voting member of the commission.
5 23 The bill requires the state judicial nominating commission
5 24 to adopt and publish internal rules and procedures and publish
5 25 the rules on the judicial branch's internet site. The bill
5 26 requires the commission to establish the following rules:
5 27 conduct at least one interview with each applicant seeking a
5 28 nomination to the supreme court or court of appeals that is
5 29 open to the public; publish a schedule of the public interviews
5 30 at least 10 days in advance of the interviews; publish all
5 31 nonconfidential information included in each application at
5 32 least 10 days prior to the interview; and publish the number
5 33 of affirmative votes each interviewed applicant received for
5 34 nomination immediately preceding the release of the names of
5 35 the nominees.



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House File 343 - Introduced continued

6 1 The bill modifies the timeline an applicant must apply and
6 2 be nominated for appointment to the supreme court or court
6 3 of appeals. The bill provides that when the state judicial
6 4 nominating commission is notified a vacancy has occurred or
6 5 will occur an applicant has 60 days to submit an application.
6 6 Under the bill, the state judicial nominating commission has
6 7 60 days from the expiration of the application period to
6 8 nominate persons for appointment by the governor to the supreme
6 9 court or court of appeals. Current law provides the state
6 10 judicial nominating commission has 60 days from the date the
6 11 state judicial nominating commission is notified a vacancy has
6 12 occurred or will occur to nominate persons for appointment by
6 13 the governor to the supreme court or court of appeals.
6 14 The bill disqualifies a judge who was not retained by the
6 15 voters at the time of a judicial election from applying for
6 16 any judicial officer position two years from the date of the
6 17 judicial election where the judge lost the retention vote.

LSB 2653YH (4) 84

jm/rj



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House File 344 - Introduced

HOUSE FILE
BY HAGENOW

A BILL FOR

1 An Act relating to recovery of prejudgment interest in relation
2 to an offer to confess judgment.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2647HH (3) 84
rh/rj



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PAG LIN

1 1 Section 1. NEW SECTION. 677.10A Prejudgment interest.
1 2 If any offer to confess judgment is made under this chapter
1 3 and is not accepted, and a subsequent trial results in a
1 4 judgment which is less than the offer to confess judgment,
1 5 prejudgment interest shall not be calculated or be subject to
1 6 recovery after the date of the offer to confess judgment.

1 7 EXPLANATION

1 8 This bill limits recovery of prejudgment interest in any
1 9 pending or proposed action where an offer to confess judgment
1 10 is made, but is not accepted, and a subsequent trial results in
1 11 a judgment that is less than the amount in the offer to confess
1 12 judgment. In such a case, no prejudgment interest is to be
1 13 calculated or is recoverable after the date of the offer to
1 14 confess judgment.

LSB 2647HH (3) 84

rh/rj



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House File 345 - Introduced

HOUSE FILE
BY KAUFMANN, ROGERS,
ABDUL=SAMAD,
RASMUSSEN, SANDS, and
MUHLBAUER

A BILL FOR

- 1 An Act relating to joint physical care of children.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLNB 2273YH (4) 84
pf/nh



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PAG LIN

1 1 Section 1. Section 598.41, subsection 5, paragraph a, Code
1 2 2011, is amended to read as follows:

1 3 a. (1) If joint legal custody is awarded to both parents,
1 4 the court may award joint physical care to both joint
1 5 custodial parents upon the request of either parent during the
1 6 proceedings on the initial dissolution petition or during the
1 7 proceedings on a modification of the original custody order. A
1 8 rebuttable presumption exists that a request for joint physical
1 9 care by either parent is in the best interest of the child. The
1 10 burden of proof to rebut the presumption rests on the party
1 11 denying that joint physical care is in the best interest of the
1 12 child, and such party shall demonstrate that joint physical
1 13 care is not in the best interest of the child by clear and
1 14 convincing evidence.

1 15 (2) Prior to ruling on the request for the award of joint
1 16 physical care, the court may require the parents to submit,
1 17 either individually or jointly, a proposed joint physical care
1 18 parenting plan. A proposed joint physical care parenting plan
1 19 shall address how the parents will make decisions affecting the
1 20 child, how the parents will provide a home for the child, how
1 21 the child's time will be divided between the parents and how
1 22 each parent will facilitate the child's time with the other
1 23 parent, arrangements in addition to court-ordered child support
1 24 for the child's expenses, how the parents will resolve major
1 25 changes or disagreements affecting the child including changes
1 26 that arise due to the child's age and developmental needs, and
1 27 any other issues the court may require.

1 28 (3) If the court finds by clear and convincing evidence
1 29 that joint physical care is not in the best interest of the
1 30 child and denies the request for joint physical care, the
1 31 determination shall be accompanied by specific findings of fact
1 32 and conclusions of law that the awarding of joint physical care
1 33 is not in the best interest of the child. In determining the
1 34 best interest of the child relative to the denial of a request
1 35 for joint physical care, the court shall consider that the best



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2 1 interest of the child includes the opportunity for the maximum
2 2 continuous physical and emotional contact possible with both
2 3 parents, unless direct physical or significant emotional harm
2 4 to the child may result from such contact.

2 5 EXPLANATION

2 6 This bill provides that in awarding joint physical care to
2 7 parents, joint physical care may be awarded to both parents
2 8 based upon a request by either parent during the proceedings
2 9 on the initial dissolution petition or during the proceedings
2 10 on a modification of the original custody order. The bill
2 11 creates a rebuttable presumption that a request for joint
2 12 physical care by either parent is in the best interest of the
2 13 child, places the burden of proof to rebut the presumption
2 14 on the party denying that joint physical care is in the best
2 15 interest of the child, and requires such party to demonstrate
2 16 that joint physical care is not in the best interest of
2 17 the child by clear and convincing evidence. The bill also
2 18 requires that if the court denies joint physical care, the
2 19 court must base the findings on clear and convincing evidence.
2 20 In determining the best interest of the child relative to
2 21 the denial of a request for joint physical care, the court
2 22 is required to consider that the best interest of the child
2 23 includes the opportunity for the maximum continuous physical
2 24 and emotional contact possible with both parents, unless direct
2 25 physical or significant emotional harm to the child may result
2 26 from this contact.

LSB 2273YH (4) 84

pf/nh



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House File 346 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act requiring additional workers' compensation payments for
2 scheduled injuries that result in a reduction in the injured
3 employee's earning capacity.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2622YH (2) 84
av/rj



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House File 346 - Introduced continued

PAG LIN

1 1 Section 1. Section 85.34, subsection 2, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. w. If an employee sustains an injury
1 4 described in paragraphs "a" through "t" and is unable to return
1 5 to employment providing substantially similar earnings to the
1 6 earnings provided in the employment in which the employee was
1 7 engaged at the time of the injury, compensation shall be paid
1 8 during the number of weeks in relation to five hundred weeks
1 9 as the reduction in the employee's earning capacity bears in
1 10 relation to the earning capacity that the employee possessed
1 11 when the injury occurred. If the employee is permanently and
1 12 totally disabled as a result of such an injury the employee may
1 13 be entitled to benefits under subsection 3.
1 14 Sec. 2. Section 85.64, Code 2011, is amended to read as
1 15 follows:
1 16 85.64 Limitation of benefits.
1 17 1. If an employee who has previously lost, or lost the
1 18 use of, one hand, one arm, one foot, one leg, or one eye,
1 19 becomes permanently disabled by a compensable injury which
1 20 has resulted in the loss of or loss of use of another such
1 21 member or organ and which does not cause the employee to be
1 22 eligible for benefits under section 85.34, subsection 2,
1 23 paragraph "w", the employer shall be liable only for the degree
1 24 of disability which would have resulted from the latter injury
1 25 if there had been no preexisting disability. In addition to
1 26 such compensation, and after the expiration of the full period
1 27 provided by law for the payments thereof by the employer, the
1 28 employee shall be paid out of the "Second Injury Fund" created
1 29 by this division the remainder of such compensation as would be
1 30 payable for the degree of permanent disability involved after
1 31 first deducting from such remainder the compensable value of
1 32 the previously lost member or organ.
1 33 2. Any benefits received by any such employee, or to which
1 34 the employee may be entitled, by reason of such increased
1 35 disability from any state or federal fund or agency, to which



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2 1 said employee has not directly contributed, shall be regarded
2 2 as a credit to any award made against said second injury fund
2 3 as aforesaid.

2 4 EXPLANATION

2 5 This bill amends Code section 85.34 to provide that
2 6 for purposes of workers' compensation, an employee who
2 7 sustains a scheduled injury and is unable to return to
2 8 employment providing substantially similar earnings to that
2 9 of the preinjury employment earning capacity, shall be paid
2 10 compensation during the number of weeks in relation to 500
2 11 weeks as the reduction in the employee's earning capacity
2 12 caused by the disability bears in relation to the earning
2 13 capacity that the employee possessed when the injury occurred.

2 14 The bill also amends Code section 85.64 to provide that an
2 15 employee who has previously sustained a loss of a body part and
2 16 then becomes permanently disabled when that injury is combined
2 17 with a second compensable injury is entitled to compensation
2 18 out of the state second injury fund as long as that second
2 19 compensable injury alone does not cause the employee to be
2 20 unable to return to substantially similar employment and thus
2 21 be eligible for benefits under the new paragraph "w" in Code
2 22 section 85.34(2).



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House File 347 - Introduced

HOUSE FILE
BY HUNTER

A BILL FOR

1 An Act requiring certain weekly workers' compensation benefits
2 to be calculated by including an employee's overtime
3 and premium pay, and to include an annual cost-of-living
4 adjustment.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2656YH (2) 84
av/nh



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PAG LIN

1 1 Section 1. Section 85.36, Code 2011, is amended to read as
1 2 follows:
1 3 85.36 Basis of computation.
1 4 1. The basis of compensation shall be the weekly earnings
1 5 of the injured employee at the time of the injury. Weekly
1 6 earnings means gross salary, wages, or earnings of an employee
1 7 to which such employee would have been entitled had the
1 8 employee worked the customary hours for the full pay period in
1 9 which the employee was injured, as regularly required by the
1 10 employee's employer for the work or employment for which the
1 11 employee was employed, computed or determined as follows, and
1 12 then rounded to the nearest dollar:
1 13 ~~1.~~ a. In the case of an employee who is paid on a weekly
1 14 pay period basis, the weekly gross earnings.
1 15 ~~2.~~ b. In the case of an employee who is paid on a biweekly
1 16 pay period basis, one-half of the biweekly gross earnings.
1 17 ~~3.~~ c. In the case of an employee who is paid on a
1 18 semimonthly pay period basis, the semimonthly gross earnings
1 19 multiplied by twenty-four and subsequently divided by
1 20 fifty-two.
1 21 ~~4.~~ d. In the case of an employee who is paid on a monthly
1 22 pay period basis, the monthly gross earnings multiplied by
1 23 twelve and subsequently divided by fifty-two.
1 24 ~~5.~~ e. In the case of an employee who is paid on a yearly
1 25 pay period basis, the weekly earnings shall be the yearly
1 26 earnings divided by fifty-two.
1 27 ~~6.~~ f. In the case of an employee who is paid on a daily
1 28 or hourly basis, or by the output of the employee, the
1 29 weekly earnings shall be computed by dividing by thirteen
1 30 the earnings, including but not limited to overtime, shift
1 31 differential ~~pay but not including overtime or~~, and premium
1 32 pay, of the employee earned in the employ of the employer in
1 33 the last completed period of thirteen consecutive calendar
1 34 weeks immediately preceding the injury. If the employee was
1 35 absent from employment for reasons personal to the employee



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2 1 during part of the thirteen calendar weeks preceding the
2 2 injury, the employee's weekly earnings shall be the amount
2 3 the employee would have earned had the employee worked when
2 4 work was available to other employees of the employer in a
2 5 similar occupation. A week which does not fairly reflect
2 6 the employee's customary earnings shall be replaced by the
2 7 closest previous week with earnings that fairly represent the
2 8 employee's customary earnings.

2 9 ~~7.~~ g. In the case of an employee who has been in the employ
2 10 of the employer less than thirteen calendar weeks immediately
2 11 preceding the injury, the employee's weekly earnings shall be
2 12 computed under ~~subsection 6~~ paragraph "f", taking the earnings,
2 13 including but not limited to overtime, shift differential
2 14 ~~pay but not including overtime or, and premium pay,~~ for such
2 15 purpose to be the amount the employee would have earned had the
2 16 employee been so employed by the employer the full thirteen
2 17 calendar weeks immediately preceding the injury and had
2 18 worked, when work was available to other employees in a similar
2 19 occupation. If the earnings of other employees cannot be
2 20 determined, the employee's weekly earnings shall be the average
2 21 computed for the number of weeks the employee has been in the
2 22 employ of the employer.

2 23 h. In the case of an employee injured in the course of
2 24 performing as a professional athlete, the basis of compensation
2 25 for weekly earnings shall be one=fiftieth of total earnings
2 26 which the employee has earned from all employment for the
2 27 previous twelve months prior to the injury.

2 28 ~~8.~~ 2. If at the time of the injury the hourly earnings
2 29 have not been fixed or cannot be ascertained, the earnings for
2 30 the purpose of calculating compensation shall be taken to be
2 31 the usual earnings for similar services where such services are
2 32 rendered by paid employees.

2 33 ~~9.~~ 3. If an employee earns either no wages or less than the
2 34 usual weekly earnings of the regular full=time adult laborer
2 35 in the line of industry in which the employee is injured in



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3 1 that locality, the weekly earnings shall be one=fiftieth of
3 2 the total earnings which the employee has earned from all
3 3 employment during the twelve calendar months immediately
3 4 preceding the injury.
3 5 a. In computing the compensation to be allowed a volunteer
3 6 fire fighter, emergency medical care provider, reserve peace
3 7 officer, or volunteer ambulance driver, the earnings as a
3 8 fire fighter, emergency medical care provider, reserve peace
3 9 officer, or volunteer ambulance driver shall be disregarded and
3 10 the volunteer fire fighter, emergency medical care provider,
3 11 reserve peace officer, or volunteer ambulance driver, shall
3 12 be paid an amount equal to the compensation the volunteer
3 13 fire fighter, emergency medical care provider, reserve peace
3 14 officer, or volunteer ambulance driver would be paid if injured
3 15 in the normal course of the volunteer fire fighter's, emergency
3 16 medical care provider's, reserve peace officer's, or volunteer
3 17 ambulance driver's regular employment or an amount equal to one
3 18 hundred and forty percent of the statewide average weekly wage,
3 19 whichever is greater.
3 20 b. If the employee was an apprentice or trainee when
3 21 injured, and it is established under normal conditions the
3 22 employee's earnings should be expected to increase during the
3 23 period of disability, that fact may be considered in computing
3 24 the employee's weekly earnings.
3 25 c. If the employee was an inmate as defined in section
3 26 85.59, the inmate's actual earnings shall be disregarded, and
3 27 the weekly compensation rate shall be as set forth in section
3 28 85.59.
3 29 ~~10.~~ 4. If a wage, or method of calculating a wage, is
3 30 used for the basis of the payment of a workers' compensation
3 31 insurance premium for a proprietor, partner, limited liability
3 32 company member, limited liability partner, or officer of a
3 33 corporation, the wage or the method of calculating the wage
3 34 is determinative for purposes of computing the proprietor's,
3 35 partner's, limited liability company member's, limited



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4 1 liability partner's, or officer's weekly workers' compensation
4 2 benefit rate.

4 3 ~~11.~~ 5. In computing the compensation to be allowed an
4 4 elected or appointed official, the official may choose either
4 5 of the following payment options:

4 6 a. The official shall be paid an amount of compensation
4 7 based on the official's weekly earnings as an elected or
4 8 appointed official.

4 9 b. The earnings of the official as an elected or appointed
4 10 official shall be disregarded and the official shall be paid
4 11 an amount equal to one hundred forty percent of the statewide
4 12 average weekly wage.

4 13 ~~12. In the case of an employee injured in the course of~~
~~4 14 performing as a professional athlete, the basis of compensation~~
~~4 15 for weekly earnings shall be one-fiftieth of total earnings~~
~~4 16 which the employee has earned from all employment for the~~
~~4 17 previous twelve months prior to the injury.~~

4 18 6. The basis of compensation for permanent total disability
4 19 benefits or death benefits shall increase on January 1 of
4 20 each year for compensation which becomes due that year by
4 21 a percentage equal to the cost-of-living adjustment made
4 22 to disability benefits payable by the United States social
4 23 security administration in December of the immediately
4 24 preceding year.

4 25 Sec. 2. Section 85.61, subsection 3, Code 2011, is amended
4 26 to read as follows:

4 27 3. "Gross earnings" means recurring payments by employer to
4 28 the employee for employment, before any authorized or lawfully
4 29 required deduction or withholding of funds by the employer,
4 30 excluding irregular bonuses, retroactive pay, ~~overtime~~, penalty
4 31 pay, reimbursement of expenses, expense allowances, and the
4 32 employer's contribution for welfare benefits.

4 33 EXPLANATION

4 34 This bill requires certain weekly workers' compensation
4 35 benefits to be calculated by including an employee's overtime



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5 1 and premium pay, and to include an annual cost-of-living
5 2 adjustment.
5 3 The bill amends Code section 85.36 to require the
5 4 calculation of the amount of weekly workers' compensation
5 5 benefits to include, not exclude, an employee's earnings for
5 6 overtime and premium pay. A coordinating amendment is made to
5 7 Code section 85.61.
5 8 The bill also amends Code section 85.36 to require the basis
5 9 of compensation for weekly workers' compensation benefits
5 10 payable for permanent total disability benefits or death
5 11 benefits to increase on January 1 each year for compensation
5 12 which becomes due that year, by a percentage equal to the
5 13 cost-of-living adjustment made to disability benefits payable
5 14 by the United States social security administration in December
5 15 of the immediately preceding year.
5 16 Technical corrections are also made to Code section 85.36 to
5 17 remove an unnumbered paragraph and for purposes of clarity.
LSB 2656YH (2) 84
av/nh



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House File 348 - Introduced

HOUSE FILE
BY DRAKE

(COMPANION TO lsb
1978ss by johnson)

A BILL FOR

1 An Act providing for voting methods which may be utilized by
2 members of cooperative associations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1978HH (6) 84
da/nh



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1 1 Section 1. Section 499.2, Code 2011, is amended by adding
1 2 the following new unnumbered paragraph:

1 3 NEW UNNUMBERED PARAGRAPH "Alternative voting method" means
1 4 a method of voting other than a written ballot, including
1 5 voting by electronic, telephonic, internet, or other means that
1 6 reasonably allows members the opportunity to vote.

1 7 Sec. 2. Section 499.29, Code 2011, is amended to read as
1 8 follows:

1 9 499.29 Manner of voting.

1 10 ~~Votes~~ A vote shall not be cast in person, and not by proxy.

1 11 The vote of a member=association shall be cast only by its

1 12 representative duly authorized in writing. ~~If the articles~~

~~1 13 or bylaws permit, a~~ A member may cast that member's vote, in

1 14 advance of the meeting, by mail ballot or, if the association's

1 15 articles or bylaws permit, by an alternative voting method

1 16 upon any proposition of which the member has been previously

1 17 notified in writing.

1 18 Sec. 3. Section 499.41, unnumbered paragraph 1, Code 2011,

1 19 is amended to read as follows:

1 20 Notwithstanding the provisions of the articles of

1 21 incorporation of any association pertaining to amendment

1 22 thereto now in effect, any association may amend its articles

1 23 of incorporation by a vote of sixty=six and two=thirds percent

1 24 of the members present, or ~~represented~~ voting by mailed

1 25 ~~ballots~~ ballot or alternative voting method, and having voting

1 26 privileges, at any annual meeting or any special meeting called

1 27 for that purpose, provided that at least ten days before said

1 28 annual meeting or special meeting a copy of the proposed

1 29 amendment or summary thereof be sent to all members having

1 30 voting rights; or said articles of incorporation may be amended

1 31 in accordance with the amendment requirements contained in

1 32 the articles or bylaws of said association that are adopted

1 33 subsequent to July 4, 1963, or are in effect on or after July 4,

1 34 1964, provided said amendment requirements in the articles or

1 35 bylaws are not less than established in this section.



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2 1 Sec. 4. Section 499.47B, subsection 3, paragraph a, Code
2 2 2011, is amended to read as follows:
2 3 a. Except as provided in paragraph "b", the sale, lease,
2 4 exchange, or other disposition must be approved by a two-thirds
2 5 vote of the members ~~on a ballot~~ in which a majority of all
2 6 voting members participate.
2 7 Sec. 5. Section 499.47B, subsection 3, paragraph b,
2 8 subparagraph (1), Code 2011, is amended to read as follows:
2 9 (1) If the cooperative association's articles of
2 10 incorporation require approval by more than two-thirds of its
2 11 members ~~on a ballot~~ in which a majority of all voting members
2 12 participate, the sale, lease, exchange, or other disposition
2 13 must be approved by the greater number as provided in the
2 14 articles of incorporation.
2 15 Sec. 6. Section 499.64, subsections 2 and 3, Code 2011, are
2 16 amended to read as follows:
2 17 2. At the meeting, a ~~ballot vote~~ of the members who are
2 18 entitled to vote in the affairs of the association shall be
2 19 taken on the proposed plan of merger or consolidation. The
2 20 plan of merger or consolidation shall be approved as follows:
2 21 a. Except as provided in paragraph "b", the proposed plan of
2 22 merger or consolidation must be approved by a two-thirds vote
2 23 of the members ~~on a ballot~~ in which a majority of all voting
2 24 members participate.
2 25 b. (1) If the cooperative association's articles of
2 26 incorporation require approval by more than two-thirds of its
2 27 members ~~on a ballot~~ in which a majority of all voting members
2 28 participate, the proposed plan of merger or consolidation must
2 29 be approved by the greater number as provided in the articles
2 30 of incorporation.
2 31 (2) If the board of directors adopts additional conditions
2 32 for the approval of the plan of merger or consolidation as
2 33 provided in subsection 1, the additional conditions must be
2 34 satisfied in order for the plan of merger or consolidation to
2 35 be approved.



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3 1 ~~3. Voting by members may be by mail ballot notwithstanding~~
3 2 ~~any contrary provision in the articles of incorporation or~~
3 3 ~~bylaws.~~
3 4 Sec. 7. Section 501.101, Code 2011, is amended by adding the
3 5 following new subsection:
3 6 NEW SUBSECTION. 01. "Alternative voting method" means
3 7 a method of voting other than a written ballot, including
3 8 voting by electronic, telephonic, internet, or other means that
3 9 reasonably allow members the opportunity to vote.
3 10 Sec. 8. Section 501.203, subsection 4, Code 2011, is amended
3 11 to read as follows:
3 12 4. If the board does not recommend the amendment or
3 13 restatement to the members, then the amendment or restatement
3 14 must be adopted by the members by a vote of two-thirds of the
3 15 votes cast ~~on a ballot~~ in which a majority of all votes are
3 16 cast.
3 17 Sec. 9. Section 501.204, Code 2011, is amended to read as
3 18 follows:
3 19 501.204 Bylaws.
3 20 The board may adopt or amend the cooperative's bylaws by a
3 21 vote of three-fourths of the board. The members may adopt or
3 22 amend the cooperative's bylaws by a vote of three-fourths of
3 23 the votes cast ~~on a ballot~~ in which a majority of all votes are
3 24 cast. A bylaw provision adopted by the members shall not be
3 25 amended or repealed by the directors.
3 26 Sec. 10. Section 501.303, subsection 2, Code 2011, is
3 27 amended to read as follows:
3 28 2. A member may vote at a member meeting in person or by
3 29 ~~signed absentee~~ mail ballot that specifies the issue and the
3 30 member's vote on that issue. If the board makes available ~~an~~
3 31 ~~absentee~~ a ballot form, then that form must be used to cast ~~an~~
3 32 ~~absentee~~ a mail ballot on that issue. If the cooperative's
3 33 articles or bylaws permit it, a member may cast a vote by
3 34 an alternative voting method. The cooperative shall take
3 35 reasonable measures to authenticate that a vote is cast by a



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4 1 member eligible to cast that vote.

4 2 Sec. 11. Section 501.601, subsection 1, paragraph a, Code
4 3 2011, is amended to read as follows:

4 4 a. "Dissenting member" means a voting member who votes in
4 5 opposition to the plan of conversion and who makes a demand for
4 6 payment as provided in this section not later than the deadline
4 7 for members to ~~cast ballots on the~~ vote to approve the plan of
4 8 conversion.

4 9 Sec. 12. Section 501.601, subsection 2, paragraph b, Code
4 10 2011, is amended to read as follows:

4 11 b. The members must approve the plan of conversion by the
4 12 vote of two-thirds of the votes cast ~~on a ballot~~ in which a
4 13 majority of all votes are cast.

4 14 Sec. 13. Section 501.601, subsection 3, paragraph b, Code
4 15 2011, is amended to read as follows:

4 16 b. An equity holder who is not a voting member shall have
4 17 the same rights as a dissenting member if the equity holder
4 18 makes a demand for payment pursuant to paragraph "a" not later
4 19 than the deadline for members to ~~cast ballots on the~~ vote to
4 20 approve the plan of conversion.

4 21 Sec. 14. Section 501.603, subsection 2, Code 2011, is
4 22 amended to read as follows:

4 23 2. A cooperative may sell, lease, exchange, or otherwise
4 24 dispose of all, or substantially all, of its property, with
4 25 or without the goodwill, on the terms and conditions and for
4 26 the consideration determined by the board, which consideration
4 27 may include the interests of another cooperative, if the board
4 28 recommends the proposed transaction to the members, and the
4 29 members approve it by the vote of two-thirds of the votes cast
4 30 ~~on a ballot~~ in which a majority of all votes are cast. The
4 31 board may condition its submission of the proposed transaction
4 32 on any basis.

4 33 Sec. 15. Section 501.614, subsection 2, Code 2011, is
4 34 amended to read as follows:

4 35 2. At the meeting, a ~~ballot~~ vote of the members who are



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5 1 entitled to vote in the affairs of the association shall be
5 2 taken on the proposed plan of merger or consolidation. The
5 3 plan of merger or consolidation shall be approved if two-thirds
5 4 of the members vote affirmatively ~~on a ballot~~ in which a
5 5 majority of all voting members participate. ~~Voting may be~~
~~5 6 by mail ballot notwithstanding any contrary provision in the~~
~~5 7 articles of association or bylaws.~~

5 8 Sec. 16. Section 501A.102, subsection 2, Code 2011, is
5 9 amended to read as follows:

5 10 2. "Alternative ~~ballot~~ voting method" means a method of
5 11 voting ~~for a candidate or issue prescribed by the board in~~
~~5 12 advance of the vote, and may include other than a written~~
5 13 ballot, including voting by electronic, telephonic, internet,
5 14 or other means that reasonably ~~allow~~ allows members the
5 15 opportunity to vote.

5 16 Sec. 17. Section 501A.504, subsection 1, paragraph a,
5 17 subparagraph (1), Code 2011, is amended to read as follows:

5 18 (1) The board, by majority vote, must pass a resolution
5 19 stating the text of the proposed amendment. The text of the
5 20 proposed amendment and an attached ~~mail or alternative~~ ballot,
5 21 if the board has provided for a mail ~~or alternative~~ ballot in
5 22 the resolution ~~or alternative method approved by the board~~
~~5 23 and stated in the resolution,~~ shall be mailed or otherwise
5 24 distributed with a regular or special meeting notice to each
5 25 member. If the board authorizes an alternative voting method,
5 26 the text of the proposed amendment and explanation of how
5 27 to cast a vote using the alternative voting method shall be
5 28 distributed with the regular or special meeting notice to each
5 29 member. The notice shall designate the time and place of the
5 30 meeting for the proposed amendment to be considered and voted
5 31 on.

5 32 Sec. 18. Section 501A.504, subsection 1, paragraph a,
5 33 subparagraph (2), unnumbered paragraph 1, Code 2011, is amended
5 34 to read as follows:

5 35 If a quorum of the members is registered as being present or



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6 1 represented ~~by alternative vote~~ at the meeting, the proposed
6 2 amendment is adopted if any of the following occurs:
6 3 Sec. 19. Section 501A.703, subsection 5, Code 2011, is
6 4 amended to read as follows:
6 5 5. Vote by mail ballot or alternative ~~ballot~~ voting
6 6 method. The following shall apply to voting by mail ballot or
6 7 alternative ~~ballot~~ voting method:
6 8 a. A member shall not vote for a director other than
6 9 by being present at a meeting, ~~or~~ by mail ballot, or by
6 10 alternative ~~ballot~~ voting method, as authorized by the board.
6 11 b. The ballot shall be in a form prescribed by the board.
6 12 c. The member shall mark the ballot for the candidate
6 13 chosen and mail the ballot to the cooperative in a sealed plain
6 14 envelope inside another envelope bearing the member's name, or
6 15 the member shall vote by designating the candidate chosen by
6 16 an alternative ~~ballot~~ voting method in the manner prescribed
6 17 by the board.
6 18 d. If the ballot of the member is received by the
6 19 cooperative on or before the date of the regular members'
6 20 meeting or as otherwise prescribed for an alternative ~~ballots,~~
6 21 voting method, the ballot or alternative voting method shall be
6 22 accepted and counted as the vote of the absent member.
6 23 Sec. 20. Section 501A.804, subsection 2, Code 2011, is
6 24 amended to read as follows:
6 25 2. Notice. The cooperative shall give notice of a special
6 26 members' meeting by mailing the special members' meeting notice
6 27 to each member personally at the person's last known post
6 28 office address, or by another process determined by the board
6 29 if the member is to vote by an alternative voting method as
6 30 approved by the board and agreed to by the member individually
6 31 or the members generally. For a member that is an entity, the
6 32 notice mailed, or delivered by another process for vote by
6 33 an alternative voting method, shall be to an officer of the
6 34 entity. The special members' meeting notice shall state the
6 35 time, place, and purpose of the special members' meeting. The



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7 1 special members' meeting notice shall be issued within ten
7 2 days from and after the date of the presentation of a members'
7 3 petition, and the special members' meeting shall be held within
7 4 thirty days after the date of the presentation of the members'
7 5 petition.

7 6 Sec. 21. Section 501A.806, subsection 2, Code 2011, is
7 7 amended to read as follows:

7 8 2. Quorum for voting by mail. In determining a quorum at
7 9 a meeting, on a question submitted to a vote by mail or by
7 10 an alternative voting method, members present in person or
7 11 represented by mail vote or the alternative voting method shall
7 12 be counted. The attendance of a sufficient number of members
7 13 to constitute a quorum shall be established by a registration
7 14 of the members of the cooperative present at the meeting.
7 15 The registration shall be verified by the chairperson or the
7 16 records officer of the cooperative and shall be reported in the
7 17 minutes of the meeting.

7 18 Sec. 22. Section 501A.810, subsection 3, Code 2011, is
7 19 amended to read as follows:

7 20 3. Voting method. A member's vote at a members' meeting
7 21 shall be cast in person, ~~or~~ by mail if a mail ~~vote~~ ballot is
7 22 authorized by the board, or by an alternative voting method if
7 23 that is authorized by the board and. A vote shall not be cast
7 24 by proxy, except as provided in subsection 4. The cooperative
7 25 shall take reasonable measures to authenticate that a vote is
7 26 cast by a member eligible to cast that vote.

7 27 Sec. 23. Section 501A.810, subsection 5, Code 2011, is
7 28 amended to read as follows:

7 29 5. ~~Absentee~~ Mail ballots.

7 30 ~~a.~~ The provisions of this subsection apply to ~~absentee mail~~
7 31 ballots.

7 32 ~~b.~~ a. A member who is or will be absent from a members'
7 33 meeting may vote by mail ~~or by an approved alternative method~~
~~7 34 on the ballot prescribed in this subsection~~ on any motion,
7 35 resolution, or amendment that the board submits for vote by



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8 1 mail ~~or alternative method to the members.~~

8 2 ~~e.~~ b. The A ballot shall be in the form prescribed by the
8 3 board and ~~contain all of the following:~~

8 4 ~~(1) The exact text of the proposed motion, resolution, or~~
~~8 5 amendment to be acted on at the meeting.~~

8 6 ~~(2) The~~ be accompanied by the text of the proposed motion,
8 7 resolution, or amendment for which the member may indicate an
~~8 8 affirmative or negative vote to be acted upon at the meeting.~~

8 9 ~~d.~~ c. The member shall express a choice by marking
8 10 an appropriate choice on the ballot and mail, deliver, or
8 11 otherwise submit the ballot to the cooperative in a plain,
8 12 sealed envelope inside another envelope bearing the member's
8 13 name or by an alternative method approved by the board.

8 14 ~~e.~~ d. A properly executed ballot shall be accepted by
8 15 the board and counted as the vote of the absent member at the
8 16 meeting.

8 17 Sec. 24. Section 501A.810, Code 2011, is amended by adding
8 18 the following new subsection:

8 19 NEW SUBSECTION. 6. Alternative voting method. The board
8 20 may also allow the members to vote by alternative voting
8 21 method, provided the members receive a copy of the proposed
8 22 motion, resolution, or amendment to be acted upon.

8 23 Sec. 25. Section 501A.1101, subsection 4, paragraph b,
8 24 subparagraph (1), Code 2011, is amended to read as follows:

8 25 (1) A quorum of the members eligible to vote is registered
8 26 as being present at the meeting or ~~represented~~ voting by mail
8 27 ~~vote ballot or alternative ballot at the meeting~~ voting method.

8 28 EXPLANATION

8 29 This bill amends provisions affecting entities known as
8 30 cooperative associations (sometimes referred to as simply
8 31 "associations" or "cooperatives") organized under Code chapter
8 32 499, 501, or 501A. In each case, the entity is comprised of
8 33 members who may vote upon certain issues affecting it, such
8 34 as a candidate running as a director on its board or another
8 35 question involving its management or continuation (e.g., a



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9 1 merger proposal) as required by statute or in its articles of
9 2 incorporation or articles of organization. The bill provides
9 3 that members may vote by an "alternative voting method", which
9 4 provides that a member may vote by electronic, telephonic,
9 5 the internet, or other means that reasonably allows members
9 6 the opportunity to vote, as provided in the entity's articles
9 7 or by its board. The provisions allowing for voting by an
9 8 alternative voting method are based on the procedure referred
9 9 to as an "alternative voting ballot" currently provided in Code
9 10 chapter 501A. The bill changes its name but not its definition.
9 11 The bill also provides that a member of a cooperative
9 12 association may cast, in advance of a meeting, a vote by mail
9 13 ballot upon any proposition of which the member has been
9 14 previously notified in writing.

LSB 1978HH (6) 84

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HOUSE FILE
BY WATTS

A BILL FOR

1 An Act relating to energy management and regulation by
2 repealing provisions establishing the office of energy
3 independence and the Iowa power fund, repealing provisions
4 establishing the office of consumer advocate, creating
5 the Iowa energy regulatory board and transferring current
6 responsibilities of the Iowa utilities board to the
7 Iowa energy regulatory board, and including transition
8 provisions.
9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1638YH (10) 84
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1 1 Section 1. Section 8A.412, subsection 11, Code 2011, is
1 2 amended to read as follows:

1 3 11. Professional employees under the supervision of the
1 4 attorney general, the state public defender, the secretary of
1 5 state, the auditor of state, the treasurer of state, and the
1 6 public employment relations board. ~~However, employees of the~~
~~1 7 consumer advocate division of the department of justice, other~~
~~1 8 than the consumer advocate, are subject to the merit system.~~

1 9 Sec. 2. Section 11.5B, subsection 15, Code 2011, is amended
1 10 by striking the subsection.

1 11 Sec. 3. Section 12.91, subsection 1, paragraph b, Code 2011,
1 12 is amended to read as follows:

1 13 b. "Chargeable expenses" means expenses charged by the
1 14 ~~utilities energy regulatory board and the consumer advocate~~
~~1 15 division of the department of justice~~ under section 476.10.

1 16 Sec. 4. Section 15H.6, subsection 1, Code 2011, is amended
1 17 to read as follows:

1 18 1. The Iowa commission on volunteer service, in
1 19 collaboration with the department of natural resources, the
1 20 department of workforce development, ~~the office of energy~~
~~1 21 independence,~~ and the ~~utilities energy regulatory board~~ of the
1 22 department of commerce, shall establish an Iowa green corps
1 23 program. The commission shall work with the collaborating
1 24 agencies and nonprofit agencies in developing a strategy for
1 25 attracting additional financial resources for the program
1 26 from other sources which may include but are not limited to
1 27 utilities, private sector, and local, state, and federal
1 28 government funding sources. The financial resources received
1 29 shall be credited to the community programs account created
1 30 pursuant to section 15H.5.

1 31 Sec. 5. Section 17A.2, subsection 1, Code 2011, is amended
1 32 to read as follows:

1 33 1. "Agency" means each board, commission, department,
1 34 officer or other administrative office or unit of the state.
1 35 "Agency" does not mean the general assembly, the judicial branch



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2 1 or any of its components, ~~the office of consumer advocate,~~
2 2 the governor, or a political subdivision of the state or its
2 3 offices and units. Unless provided otherwise by statute, no
2 4 less than two-thirds of the members eligible to vote of a
2 5 multimember agency constitute a quorum authorized to act in the
2 6 name of the agency.

2 7 Sec. 6. Section 20.4, subsection 9, Code 2011, is amended
2 8 to read as follows:

2 9 9. Persons employed by the state department of justice,
~~2 10 except nonsupervisory employees of the consumer advocate~~
~~2 11 division who are employed primarily for the purpose of~~
~~2 12 performing technical analysis of nonlegal issues.~~

2 13 Sec. 7. Section 22.7, subsection 60, Code 2011, is amended
2 14 by striking the subsection.

2 15 Sec. 8. Section 68B.35, subsection 2, paragraph e, Code
2 16 2011, is amended to read as follows:

2 17 e. Members of the state banking council, the ethics and
2 18 campaign disclosure board, the credit union review board, the
2 19 economic development board, the employment appeal board, the
2 20 environmental protection commission, the health facilities
2 21 council, the Iowa finance authority, the Iowa public employees'
2 22 retirement system investment board, the board of the Iowa
2 23 lottery authority, the natural resource commission, the board
2 24 of parole, the petroleum underground storage tank fund board,
2 25 the public employment relations board, the state racing and
2 26 gaming commission, the state board of regents, the tax review
2 27 board, the transportation commission, ~~the office of consumer~~
~~2 28 advocate, the utilities board, the energy regulatory board,~~
2 29 the Iowa telecommunications and technology commission, and
2 30 any full-time members of other boards and commissions as
2 31 defined under section 7E.4 who receive an annual salary for
2 32 their service on the board or commission. The Iowa ethics
2 33 and campaign disclosure board shall conduct an annual review
2 34 to determine if members of any other board, commission, or
2 35 authority should file a statement and shall require the filing



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3 1 of a statement pursuant to rules adopted pursuant to chapter
3 2 17A.

3 3 Sec. 9. Section 72.5, subsection 2, Code 2011, is amended
3 4 to read as follows:

3 5 2. ~~The director of the office of energy independence~~
~~3 6 chairperson of the energy regulatory board,~~ in consultation
3 7 with the department of management, state building code
3 8 commissioner, and state fire marshal, shall develop standards
3 9 and methods to evaluate design development documents and
3 10 construction documents based upon life cycle cost factors
3 11 to facilitate fair and uniform comparisons between design
3 12 proposals and informed decision making by public bodies.

3 13 Sec. 10. Section 103A.27, subsection 1, paragraph b, Code
3 14 2011, is amended to read as follows:

3 15 b. ~~The director of the office of energy independence~~
~~3 16 chairperson of the energy regulatory board,~~ or the ~~director's~~
~~3 17 chairperson's~~ designee.

3 18 Sec. 11. Section 266.39C, subsection 2, paragraph a,
3 19 subparagraph (6), Code 2011, is amended to read as follows:

3 20 (6) One representative of the ~~office of energy independence~~
~~3 21 energy regulatory board,~~ appointed by the ~~director~~ chairperson.

3 22 Sec. 12. Section 266.39C, subsection 2, paragraph a,
3 23 subparagraphs (8) and (9), Code 2011, are amended by striking
3 24 the subparagraphs.

3 25 Sec. 13. Section 266.39C, subsection 2, paragraph a,
3 26 subparagraph (12), Code 2011, is amended to read as follows:

3 27 (12) ~~Two~~ Three representatives from investor-owned
3 28 utilities, one representing gas utilities, appointed by the
3 29 Iowa utility association, and ~~one~~ two representing electric
3 30 utilities, appointed by the Iowa utility association.

3 31 Sec. 14. Section 268.6, subsection 2, Code 2011, is amended
3 32 to read as follows:

3 33 2. The university is encouraged to cooperate with
3 34 agricultural and energy efficiency advocates and governmental
3 35 entities in administering the program, including the ~~office~~



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~~4 1 of energy independence established pursuant to section 469.2~~
~~4 2 energy regulatory board.~~
4 3 Sec. 15. Section 323A.2, subsection 1, paragraph c, Code
4 4 2011, is amended to read as follows:
4 5 c. The ~~director~~ chairperson of the ~~office of energy~~
~~4 6 independence energy regulatory board~~ determines that the
4 7 franchisee has demonstrated that a special hardship exists in
4 8 the community served by the franchisee relating to the public
4 9 health, safety, and welfare, as specified under the rules of
4 10 the office.
4 11 Sec. 16. Section 470.1, Code 2011, is amended by adding the
4 12 following new subsections:
4 13 NEW SUBSECTION. 01. "Board" means the energy regulatory
4 14 board.
4 15 NEW SUBSECTION. 001. "Chairperson" means the chairperson
4 16 of the energy regulatory board.
4 17 Sec. 17. Section 470.1, subsections 2 and 8, Code 2011, are
4 18 amended by striking the subsections.
4 19 Sec. 18. Section 470.8, unnumbered paragraph 2, Code 2011,
4 20 is amended to read as follows:
4 21 The commissioner, in consultation with the ~~director~~
~~4 22 chairperson~~, shall, by rule, develop criteria to exempt
4 23 facilities from the implementation requirements of this
4 24 section. Using the criteria, the commissioner, in cooperation
4 25 with the ~~director~~ chairperson, shall exempt facilities on a
4 26 ~~case by case~~ ~~case=by=case~~ basis. Factors to be considered
4 27 when developing the exemption criteria shall include, but not
4 28 be limited to, a description of the purpose of the facility
4 29 or renovation, the preservation of historical architectural
4 30 features, site considerations, and health and safety concerns.
4 31 The commissioner and the ~~director~~ chairperson shall grant or
4 32 deny a request for exemption from the requirements of this
4 33 section within thirty days of receipt of the request.
4 34 Sec. 19. Section 473.1, Code 2011, is amended by adding the
4 35 following new subsections:



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5 1 NEW SUBSECTION. 02. "Board" means the energy regulatory
5 2 board.
5 3 NEW SUBSECTION. 002. "Chairperson" means the chairperson
5 4 of the energy regulatory board.
5 5 Sec. 20. Section 473.1, subsections 3 and 5, Code 2011, are
5 6 amended by striking the subsections.
5 7 Sec. 21. Section 473.8, subsection 2, paragraph a,
5 8 subparagraph (4), Code 2011, is amended to read as follows:
5 9 (4) Delegate any administrative authority vested in the
5 10 governor to the ~~office board~~ or the ~~director chairperson~~.
5 11 Sec. 22. Section 473.10, Code 2011, is amended to read as
5 12 follows:
5 13 473.10 Reserve required.
5 14 1. If the ~~office board~~ or the governor finds that an
5 15 impending or actual shortage or distribution imbalance of
5 16 liquid fossil fuels may cause hardship or pose a threat to the
5 17 health and economic well-being of the people of the state or
5 18 a significant segment of the state's population, the ~~office~~
5 19 ~~board~~ or the governor may authorize the ~~director chairperson~~ to
5 20 operate a liquid fossil fuel set-aside program as provided in
5 21 subsection 2.
5 22 2. Upon authorization by the ~~office board~~ or the governor
5 23 the ~~director chairperson~~ may require a prime supplier to
5 24 reserve a specified fraction of the prime supplier's projected
5 25 total monthly release of liquid fossil fuel in Iowa. The
5 26 ~~director chairperson~~ may release any or all of the fuel
5 27 required to be reserved by a prime supplier to end-users or to
5 28 distributors for release through normal retail distribution
5 29 channels to retail customers. However, the specified fraction
5 30 required to be reserved shall not exceed three percent for
5 31 propane, aviation fuel and residual oil, and five percent for
5 32 motor gasoline, heating oil, and diesel oil.
5 33 3. The ~~office board~~ shall periodically review and may
5 34 terminate the operation of a set-aside program authorized by
5 35 the ~~office board~~ under subsection 1 when the ~~office board~~



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6 1 finds that the conditions that prompted the authorization no
6 2 longer exist. The governor shall periodically review and may
6 3 terminate the operation of a set=aside program authorized by
6 4 the governor under subsection 1 when the governor finds that
6 5 the conditions that prompted the authorization no longer exist.
6 6 4. The ~~director~~ chairperson shall adopt rules to implement
6 7 this section.

6 8 Sec. 23. Section 474.9, Code 2011, is amended to read as
6 9 follows:

6 10 474.9 General jurisdiction of ~~utilities~~ energy regulatory
6 11 board.

6 12 The ~~utilities~~ energy regulatory board has general
6 13 supervision of all pipelines and all lines for the
6 14 transmission, sale, and distribution of electrical current
6 15 for light, heat, and power pursuant to chapters 476, 476A,
6 16 478, 479, 479A, and 479B, has general responsibility for
6 17 representing consumer interests in electric, gas, and telephone
6 18 regulatory issues at the state and federal level, and has other
6 19 duties as provided by law.

6 20 Sec. 24. Section 474.10, Code 2011, is amended to read as
6 21 follows:

6 22 474.10 General counsel.

6 23 1. The board shall employ a competent attorney to serve
6 24 as its general counsel, and assistants to the general counsel
6 25 as it finds necessary for the full and efficient discharge
6 26 of its duties. The general counsel is the attorney for, and
6 27 legal advisor of, the board and is exempt from the merit system
6 28 provisions of chapter 8A, subchapter IV. Assistants to the
6 29 general counsel are subject to the merit system provisions of
6 30 chapter 8A, subchapter IV. ~~The general counsel or an assistant~~
6 31 ~~to the general counsel shall provide the~~ Duties of the general
6 32 counsel, and assistants to the general counsel, shall include
6 33 the following:

6 34 a. Providing necessary legal advice to the board in all
6 35 matters and ~~represent~~ representing the board in all actions



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7 1 instituted in a state or federal court challenging the validity
7 2 of a rule or order of the board.

7 3 b. Investigating the legality of all rates, charges,
7 4 rules, regulations, and practices of all persons under the
7 5 jurisdiction of the energy regulatory board, and instituting
7 6 civil proceedings before the board or any court to correct
7 7 any illegality on the part of any such person. In any such
7 8 investigation, the general counsel shall have the power to
7 9 ask the board to issue subpoenas, compel the attendance and
7 10 testimony of witnesses, and the production of papers, books,
7 11 and documents, at the discretion of the board.

7 12 2. The existence of a fact which disqualifies a person from
7 13 election or from acting as a ~~utilities~~ an energy regulatory
7 14 board member disqualifies the person from employment as general
7 15 counsel or assistant general counsel. The general counsel
7 16 shall devote full time to the duties of the office. During
7 17 employment the counsel shall not be a member of a political
7 18 committee, contribute to a political campaign fund other than
7 19 through the income tax checkoff for contributions to the Iowa
7 20 election campaign fund and the presidential election campaign
7 21 fund, participate in a political campaign, or be a candidate
7 22 for a political office.

7 23 Sec. 25. Section 476.1B, subsection 1, paragraph a, Code
7 24 2011, is amended by striking the paragraph.

7 25 Sec. 26. Section 476.1C, subsection 2, Code 2011, is amended
7 26 to read as follows:

7 27 2. If, as a result of a review of a proposed new or
7 28 changed rate, charge, schedule, or regulation of a gas public
7 29 utility having fewer than two thousand customers, the ~~consumer~~
7 30 ~~advocate~~ general counsel alleges in a filing with the board
7 31 that the utility rates are excessive, the disputed amounts
7 32 shall be specified by the ~~consumer advocate~~ general counsel
7 33 in the filing. The gas public utility shall, within the time
7 34 prescribed by the board, file a bond or undertaking approved by
7 35 the board conditioned upon the refund in a manner prescribed



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8 1 by the board of amounts collected after the date of the filing
8 2 which are in excess of rates or charges finally determined
8 3 by the board to be lawful. If after formal proceeding and
8 4 hearing pursuant to section 476.6 the board finds that the
8 5 utility rates are unlawful, the board shall order a refund,
8 6 with interest, of amounts collected after the date of filing
8 7 of the petition that are determined to be in excess of the
8 8 amounts which would have been collected under the rates finally
8 9 approved. However, the board shall not order a refund that
8 10 is greater than the amount specified in the petition, plus
8 11 interest. If the board fails to render a decision within
8 12 ten months following the date of filing of the petition, the
8 13 board shall not order a refund of any excess amounts that are
8 14 collected after the expiration of that ten-month period and
8 15 prior to the date the decision is rendered.

8 16 Sec. 27. Section 476.3, subsections 1 and 2, Code 2011, are
8 17 amended to read as follows:

8 18 1. A public utility shall furnish reasonably adequate
8 19 service at rates and charges in accordance with tariffs filed
8 20 with the board. When there is filed with the board by any
8 21 person or body politic, or filed by the board upon its own
8 22 motion, a written complaint requesting the board to determine
8 23 the reasonableness of the rates, charges, schedules, service,
8 24 regulations, or anything done or omitted to be done by a
8 25 public utility subject to this chapter in contravention of
8 26 this chapter, the written complaint shall be forwarded by
8 27 the board to the public utility, which shall be called upon
8 28 to satisfy the complaint or to answer it in writing within a
8 29 reasonable time to be specified by the board. ~~Copies of the~~
~~8 30 written complaint forwarded by the board to the public utility~~
~~8 31 and copies of all correspondence from the public utility in~~
~~8 32 response to the complaint shall be provided by the board in~~
~~8 33 an expeditious manner to the consumer advocate.~~ If the board
8 34 determines the public utility's response is inadequate and
8 35 there appears to be any reasonable ground for investigating



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9 1 the complaint, the board shall promptly initiate a formal
9 2 proceeding. ~~If the consumer advocate determines the public~~
~~9 3 utility's response to the complaint is inadequate, the consumer~~
~~9 4 advocate may file a petition with the board which shall~~
~~9 5 promptly initiate a formal proceeding if the board determines~~
~~9 6 that there is any reasonable ground for investigating the~~
~~9 7 complaint.~~ The complainant or the public utility also may
9 8 petition the board to initiate a formal proceeding which
9 9 petition shall be granted if the board determines that there
9 10 is any reasonable ground for investigating the complaint. The
9 11 formal proceeding may be initiated at any time by the board on
9 12 its own motion. If a proceeding is initiated upon petition
9 13 filed by the ~~consumer advocate,~~ complainant, or the public
9 14 utility, or upon the board's own motion, the board shall set
9 15 the case for hearing and give notice as it deems appropriate.
9 16 When the board, after a hearing held after reasonable notice,
9 17 finds a public utility's rates, charges, schedules, service,
9 18 or regulations are unjust, unreasonable, discriminatory, or
9 19 otherwise in violation of any provision of law, the board
9 20 shall determine just, reasonable, and nondiscriminatory rates,
9 21 charges, schedules, service, or regulations to be observed and
9 22 enforced.

9 23 2. If, as a result of a review procedure conducted under
9 24 section 476.31, a review conducted under section 476.32, a
9 25 special audit, ~~or an investigation by division staff, or an~~
~~9 26 investigation by the consumer advocate the general counsel,~~
9 27 a petition is filed ~~with the board by the consumer advocate,~~
9 28 alleging that a utility's rates are excessive, the disputed
9 29 amount shall be specified in the petition. The public utility
9 30 shall, within the time prescribed by the board, file a bond
9 31 or undertaking approved by the board conditioned upon the
9 32 refund in a manner prescribed by the board of amounts collected
9 33 after the date of filing of the petition in excess of rates
9 34 or charges finally determined by the board to be lawful. If
9 35 upon hearing the board finds that the utility's rates are



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10 1 unlawful, the board shall order a refund, with interest, of
10 2 amounts collected after the date of filing of the petition that
10 3 are determined to be in excess of the amounts which would have
10 4 been collected under the rates finally approved. However, the
10 5 board shall not order a refund that is greater than the amount
10 6 specified in the petition, plus interest, and if the board
10 7 fails to render a decision within ten months following the date
10 8 of filing of the petition, the board shall not order a refund
10 9 of any excess amounts that are collected after the expiration
10 10 of that ten-month period and prior to the date the decision is
10 11 rendered.

10 12 Notwithstanding the provisions of this subsection, ~~the~~
~~10 13 consumer advocate shall not file a petition shall not be filed~~
10 14 under this subsection that alleges a local exchange carrier's
10 15 rates are excessive while the local exchange carrier is
10 16 participating in a price regulation plan approved by the board
10 17 pursuant to section 476.97.

10 18 Sec. 28. Section 476.6, subsection 16, paragraphs b and e,
10 19 Code 2011, are amended to read as follows:

10 20 b. A gas and electric utility required to be rate-regulated
10 21 under this chapter shall assess potential energy and capacity
10 22 savings available from actual and projected customer usage
10 23 by applying commercially available technology and improved
10 24 operating practices to energy-using equipment and buildings.
10 25 The utility shall submit the assessment to the board. Upon
10 26 receipt of the assessment, the board shall ~~consult with the~~
~~10 27 office of energy independence to~~ develop specific capacity
10 28 and energy savings performance standards for each utility.
10 29 The utility shall submit an energy efficiency plan which
10 30 shall include economically achievable programs designed to
10 31 attain these energy and capacity performance standards. The
10 32 board shall periodically report the energy efficiency results
10 33 including energy savings of each utility to the general
10 34 assembly.

10 35 e. The board shall conduct contested case proceedings for



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11 1 review of energy efficiency plans and budgets filed by gas
11 2 and electric utilities required to be rate=regulated under
11 3 this chapter. The board may approve, reject, or modify the
11 4 plans and budgets. Notwithstanding the provisions of section
11 5 17A.19, subsection 5, in an application for judicial review of
11 6 the board's decision concerning a utility's energy efficiency
11 7 plan or budget, the reviewing court shall not order a stay.
11 8 Whenever a request to modify an approved plan or budget is
11 9 filed subsequently by ~~the office of consumer advocate or a~~
11 10 gas or electric utility required to be rate=regulated under
11 11 this chapter, the board shall promptly initiate a formal
11 12 proceeding if the board determines that any reasonable ground
11 13 exists for investigating the request. The formal proceeding
11 14 may be initiated at any time by the board on its own motion.
11 15 Implementation of board=approved plans or budgets shall
11 16 be considered continuous in nature and shall be subject to
11 17 investigation at any time by the board ~~or the office of the~~
~~11 18 consumer advocate.~~

11 19 Sec. 29. Section 476.6, subsection 21, paragraph a,
11 20 subparagraph (3), Code 2011, is amended to read as follows:

11 21 (3) The initial multiyear plan and budget and any subsequent
11 22 updates shall be considered in a contested case proceeding
11 23 pursuant to chapter 17A. The department of natural resources
11 24 ~~and the consumer advocate~~ shall participate as parties a party
11 25 to the proceeding.

11 26 Sec. 30. Section 476.10, subsections 1, 3, and 4, Code 2011,
11 27 are amended to read as follows:

11 28 1. a. In order to carry out the duties imposed upon
11 29 it by law, the board may, at its discretion, allocate and
11 30 charge directly the expenses attributable to its duties
11 31 to the person bringing a proceeding before the board or to
11 32 persons participating in matters before the board. ~~The board~~
~~11 33 shall ascertain the certified expenses incurred and directly~~
~~11 34 chargeable by the consumer advocate division of the department~~
~~11 35 of justice in the performance of its duties. The board and the~~



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~~12 1 consumer advocate separately~~ may decide not to charge expenses
12 2 to persons who, without expanding the scope of the proceeding
12 3 or matter, intervene in good faith in a board proceeding
12 4 initiated by a person subject to the board's jurisdiction,
~~12 5 the consumer advocate,~~ or the board on its own motion. For
12 6 assessments in any proceedings or matters before the board, the
12 7 board ~~and the consumer advocate separately~~ may consider the
12 8 financial resources of the person, the impact of assessment on
12 9 participation by intervenors, the nature of the proceeding or
12 10 matter, and the contribution of a person's participation to the
12 11 public interest. The board may present a bill for expenses
12 12 under this subsection to the person, either at the conclusion
12 13 of a proceeding or matter, or from time to time during its
12 14 progress. Presentation of a bill for expenses under this
12 15 subsection constitutes notice of direct assessment and request
12 16 for payment in accordance with this section.
12 17 b. The board shall ascertain the total of the division's
12 18 expenses incurred during each fiscal year in the performance
12 19 of its duties under law. ~~The board shall add to the total of~~
~~12 20 the division's expenses the certified expenses of the consumer~~
~~12 21 advocate as provided under section 475A.6.~~ The board shall
12 22 deduct all amounts charged directly to any person from the
12 23 total expenses of the board ~~and the consumer advocate.~~ The
12 24 board may assess the amount remaining after the deduction
12 25 to all persons providing service over which the board has
12 26 jurisdiction in proportion to the respective gross operating
12 27 revenues of such persons from intrastate operations during the
12 28 last calendar year over which the board has jurisdiction. For
12 29 purposes of determining gross operating revenues under this
12 30 section, the board shall not include gross receipts received
12 31 by a cooperative corporation or association for wholesale
12 32 transactions with members of the cooperative corporation
12 33 or association, provided that the members are subject to
12 34 assessment by the board based upon the members' gross operating
12 35 revenues, or provided that such a member is an association



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13 1 whose members are subject to assessment by the board based upon
13 2 the members' gross operating revenues. If any portion of the
13 3 remainder can be identified with a specific type of utility
13 4 service, the board shall assess those expenses only to the
13 5 entities providing that type of service over which the board
13 6 has jurisdiction. The board may make the remainder assessments
13 7 under this paragraph on a quarterly basis, based upon estimates
13 8 of the expenditures for the fiscal year for the utilities
13 9 division ~~and the consumer advocate~~. Not more than ninety days
13 10 following the close of the fiscal year, the utilities division
13 11 shall conform the amount of the prior fiscal year's assessments
13 12 to the requirements of this paragraph. For gas and electric
13 13 public utilities exempted from rate regulation pursuant to
13 14 this chapter, the remainder assessments under this paragraph
13 15 shall be computed at one-half the rate used in computing the
13 16 assessment for other persons.

13 17 3. Whenever the board shall deem it necessary in order
13 18 to carry out the duties imposed upon it in connection with
13 19 rate regulation under section 476.6, investigations under
13 20 section 476.3, or review proceedings under section 476.31,
13 21 the board may employ additional temporary or permanent staff,
13 22 or may contract with persons who are not state employees for
13 23 engineering, accounting, or other professional services, or
13 24 both. The costs of these additional employees and contract
13 25 services shall be paid by the public utility whose rates
13 26 are being reviewed in the same manner as other expenses are
13 27 paid under this section. Beginning on July 1, 1991, there
13 28 is appropriated out of any funds in the state treasury not
13 29 otherwise appropriated, such sums as may be necessary to enable
13 30 the board to hire additional staff and contract for services
13 31 under this section. The board shall increase quarterly
13 32 assessments specified in subsection 1, paragraph "b", by
13 33 amounts necessary to enable the board to hire additional staff
13 34 and contract for services under this section. The authority to
13 35 hire additional temporary or permanent staff that is granted to



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14 1 the board by this section shall not be subject to limitation
14 2 by any administrative or executive order or decision that
14 3 restricts the number of state employees or the filling of
14 4 employee vacancies, and shall not be subject to limitation
14 5 by any law of this state that restricts the number of state
14 6 employees or the filling of employee vacancies unless that
14 7 law is made applicable to this section by express reference
14 8 to this section. Before the board expends or encumbers an
14 9 amount in excess of the funds budgeted for rate regulation and
14 10 before the board increases quarterly assessments pursuant to
14 11 this subsection, the director of the department of management
14 12 shall approve the expenditure or encumbrance. Before approval
14 13 is given, the director of the department of management shall
14 14 determine that the expenses exceed the funds budgeted by the
14 15 general assembly to the board for rate regulation and that
14 16 the board does not have other funds from which the expenses
14 17 can be paid. Upon approval of the director of the department
14 18 of management the board may expend and encumber funds for
14 19 the excess expenses, and increase quarterly assessments to
14 20 raise the additional funds. The board ~~and the office of~~
~~14 21 consumer advocate~~ may add additional personnel or contract
14 22 for additional assistance to review and evaluate energy
14 23 efficiency plans and the implementation of energy efficiency
14 24 programs including, but not limited to, professionally trained
14 25 engineers, accountants, attorneys, skilled examiners and
14 26 inspectors, and secretaries and clerks. The board ~~and the~~
~~14 27 office of consumer advocate~~ may also contract for additional
14 28 assistance in the evaluation and implementation of issues
14 29 relating to telecommunication competition. The board ~~and the~~
~~14 30 office of the consumer advocate~~ may expend additional sums
14 31 beyond those sums appropriated. However, the authority to add
14 32 additional personnel or contract for additional assistance
14 33 must first be approved by the department of management. The
14 34 additional sums for energy efficiency shall be provided to the
14 35 board ~~and the office of the consumer advocate~~ by the utilities



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15 1 subject to the energy efficiency requirements in this chapter.
15 2 Telephone companies shall pay any additional sums needed for
15 3 assistance with telecommunication competition issues. The
15 4 assessments shall be in addition to and separate from the
15 5 quarterly assessment.
15 6 4. a. Fees paid to the utilities division shall be
15 7 deposited in the department of commerce revolving fund created
15 8 in section 546.12. These funds shall be used for the payment,
15 9 upon appropriation by the general assembly, of the expenses of
15 10 the utilities division ~~and the consumer advocate division of~~
~~15 11 the department of justice.~~
15 12 b. The administrator ~~and consumer advocate~~ shall account
15 13 for receipts and disbursements according to the ~~separate~~ duties
15 14 imposed upon the utilities ~~and consumer advocate divisions~~
~~15 15 division~~ by the laws of this state and each separate duty shall
15 16 be fiscally self=sustaining.
15 17 c. All fees and other moneys collected under this section
15 18 and sections 478.4, 479.16, and 479A.9 shall be deposited into
15 19 the department of commerce revolving fund created in section
15 20 546.12 and expenses required to be paid under this section
15 21 shall be paid from funds appropriated for those purposes.
15 22 Sec. 31. Section 476.10B, subsections 1 and 2, Code 2011,
15 23 are amended to read as follows:
15 24 1. For the purposes of this section, "building project
15 25 expenses" means expenses that have been approved by the
15 26 utilities board for the building and related improvements
15 27 and furnishings developed under this section and that are
15 28 considered part of the regulatory expenses charged by the
15 29 utilities board ~~and the consumer advocate division of the~~
~~15 30 department of justice for carrying out duties under section~~
~~15 31 476.10.~~
15 32 2. The department of administrative services, in
15 33 consultation with the board ~~and the consumer advocate~~
~~15 34 division of the department of justice,~~ shall provide for the
15 35 construction of a building to house the board and the division.



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16 1 A building developed under this subsection shall be a model
16 2 energy=efficient building that may be used as a public example
16 3 for similar efforts. The building shall comply with the life
16 4 cycle cost provisions developed pursuant to section 72.5. The
16 5 building shall be located on the capitol complex grounds or
16 6 at another convenient location in the vicinity of the capitol
16 7 complex grounds.
16 8 Sec. 32. Section 476.53, subsection 4, Code 2011, is amended
16 9 to read as follows:
16 10 4. The ~~utilities~~ energy regulatory board ~~and the consumer~~
~~16 11 advocate~~ may employ additional temporary staff, or may contract
16 12 for professional services with persons who are not state
16 13 employees, as the board ~~and the consumer advocate deem~~ deems
16 14 necessary to perform required functions as provided in this
16 15 section, including but not limited to review of power purchase
16 16 contracts, review of emission plans and budgets, and review
16 17 of ratemaking principles proposed for construction or lease
16 18 of a new generating facility. Beginning July 1, 2002, there
16 19 is appropriated out of any funds in the state treasury not
16 20 otherwise appropriated, such sums as may be necessary to enable
16 21 the board ~~and the consumer advocate~~ to hire additional staff
16 22 and contract for services under this section. The costs of
16 23 the additional staff and services shall be assessed to the
16 24 utilities pursuant to the procedure in section 476.10 ~~and~~
~~16 25 section 475A.6.~~
16 26 Sec. 33. Section 476.97, subsection 3, paragraph e, Code
16 27 2011, is amended to read as follows:
16 28 e. Providing notice to customers, and the board, ~~and the~~
~~16 29 consumer advocate~~ of changes in prices, terms, or conditions
16 30 for basic and nonbasic communications services.
16 31 Sec. 34. Section 476.97, subsection 6, Code 2011, is amended
16 32 to read as follows:
16 33 6. Any person, ~~including the consumer advocate,~~ a body
16 34 politic, or the board on its own motion, may file a written
16 35 complaint pursuant to section 476.3, subsection 1, regarding a



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17 1 local exchange carrier's implementation, operation under, or
17 2 satisfaction of the purposes of its price regulation plan.
17 3 Sec. 35. Section 476.97, subsection 7, Code 2011, is amended
17 4 by striking the subsection.

17 5 Sec. 36. Section 476.97, subsection 9, Code 2011, is amended
17 6 to read as follows:

17 7 9. The board shall determine the duration of any plan. The
17 8 board shall review a local exchange carrier's operation under
17 9 its plan, with notice and an opportunity for hearing, within
17 10 four years of the initiation of the plan and prior to the
17 11 termination of the plan. The local exchange carrier, ~~consumer~~
~~17 12 advocate,~~ or any person may propose, and the board may approve,
17 13 any reasonable modifications to a local exchange carrier's
17 14 plan as a result of the review, except that such modifications
17 15 shall not require a reduction in the rates for any basic
17 16 communications service.

17 17 Sec. 37. Section 476.97, subsection 11, paragraph h,
17 18 unnumbered paragraph 1, Code 2011, is amended to read as
17 19 follows:

17 20 The board may review a local exchange carrier's operation
17 21 under this subsection, with notice and an opportunity for
17 22 hearing, after four years of the carrier's election to be
17 23 price-regulated. The local exchange carrier, ~~consumer~~
~~17 24 advocate,~~ or any person may propose, and the board may
17 25 approve, any reasonable modifications to the price regulation
17 26 requirements in this subsection as a result of the specific
17 27 carrier review, with the following limitations:

17 28 Sec. 38. Section 476.97, subsection 11, paragraph k, Code
17 29 2011, is amended to read as follows:

17 30 k. The board ~~and the consumer advocate~~ may employ additional
17 31 temporary staff, or may contract for professional services with
17 32 persons who are not state employees, as the board ~~and consumer~~
~~17 33 advocate deem~~ deems necessary to review a local exchange
17 34 carrier's operations, proposal for modifications, rate change
17 35 proposal, or proposed changes in aggregate revenue weighted



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18 1 prices pursuant to this subsection. Beginning July 1, 2002,
18 2 there is appropriated out of any funds in the state treasury
18 3 not otherwise appropriated, such sums as may be necessary to
18 4 enable the board to hire additional staff and contract for
18 5 services under this subsection. The costs of the additional
18 6 staff and services shall be assessed to the local exchange
18 7 carrier pursuant to the procedures in sections 475A.6 and
18 8 476.10.

18 9 Sec. 39. Section 476.103, subsection 3, paragraph g, Code
18 10 2011, is amended to read as follows:

18 11 g. Procedures for a customer, or service provider, ~~or~~
~~18 12 the consumer advocate~~ to submit to the board complaints of
18 13 unauthorized changes in service.

18 14 Sec. 40. Section 477C.5, subsection 2, Code 2011, is amended
18 15 to read as follows:

18 16 2. The council shall consist of:

18 17 a. ~~Six~~ Seven consumers who have communication impairments.

18 18 b. Two representatives from telephone companies.

18 19 c. One representative from the office of deaf services of
18 20 the department of human rights.

18 21 ~~d. One representative from the office of the consumer~~
~~18 22 advocate of the department of justice.~~

18 23 ~~e.~~ d. One member of the board or a designee of the board.

18 24 Sec. 41. Section 546.12, Code 2011, is amended to read as
18 25 follows:

18 26 546.12 Department of commerce revolving fund.

18 27 1. A department of commerce revolving fund is created in
18 28 the state treasury. The fund shall consist of moneys collected
18 29 by the banking division; credit union division; utilities
18 30 division, ~~including moneys collected on behalf of the office~~
~~18 31 of consumer advocate established in section 475A.3; and the~~
18 32 insurance division of the department; and deposited into an
18 33 account for that division or office within the fund on a
18 34 monthly basis. Except as otherwise provided by statute, all
18 35 costs for operating ~~the office of consumer advocate and the~~



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19 1 banking division, the credit union division, the utilities
19 2 division, and the insurance division of the department shall be
19 3 paid from the division's accounts within the fund, subject to
19 4 appropriation by the general assembly.

19 5 2. To meet cash flow needs for ~~the office of consumer~~
~~19 6 advocate and~~ the banking division, credit union division,
19 7 utilities division, or the insurance division of the
19 8 department, the administrative head of that division or
19 9 office may temporarily use funds from the general fund of the
19 10 state to pay expenses in excess of moneys available in the
19 11 revolving fund for that division or office if those additional
19 12 expenditures are fully reimbursable and the division or office
19 13 reimburses the general fund of the state and ensures all moneys
19 14 are repaid in full by the close of the fiscal year. Because
19 15 any general fund moneys used shall be fully reimbursed, such
19 16 temporary use of funds from the general fund of the state shall
19 17 not constitute an appropriation for purposes of calculating the
19 18 state general fund expenditure limitation pursuant to section
19 19 8.54.

19 20 Sec. 42. REPEAL. Chapter 469, Code 2011, is repealed.

19 21 Sec. 43. REPEAL. Chapter 475A, Code 2011, is repealed.

19 22 Sec. 44. CODE EDITOR DIRECTIVES.

19 23 1. The Code editor is directed to change the words "office
19 24 of energy independence" to "energy regulatory board" to the
19 25 extent not otherwise so changed in this Act in sections 7D.34,
19 26 7D.35, 8A.362, 103A.8, 103A.8B, 159A.3, 159A.6B, 272C.2,
19 27 279.44, 441.21, and 476.63.

19 28 2. The Code editor is directed to change the word "office"
19 29 to "board" to the extent not otherwise so changed in this Act
19 30 in sections 470.3, 470.7, 473.7, 473.13A, 473.15, 473.19,
19 31 473.19A, 473.20, 473.20A, and 473.41.

19 32 3. The Code editor is directed to change the words "Iowa
19 33 utilities board" to "Iowa energy regulatory board" to the
19 34 extent not otherwise so changed in this Act in sections 6A.21,
19 35 34A.8, and 476.27.



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20 1 4. The Code editor is directed to change the words
20 2 "utilities board" to "energy regulatory board" to the extent
20 3 not otherwise so changed in this Act in sections 6B.45, 6B.54,
20 4 7A.10, 7E.6, 8A.512, 12.10, 12.91, 13.7, 28L.1, 34A.15, 68B.35,
20 5 266C.39C, 306A.3, 314.20, 318.9, 364.23, 384.84, 390.12,
20 6 422.93, 437A.3, 474.1, 474.2, 474.3, 474.4, 474.5, 474.6,
20 7 474.7, 474.8, 474.9, 474.10, 476.1, 476.1C, 476.10A, 476.10B,
20 8 476.48, 476.66, 476A.1, 476B.1, 477A.1, 477C.2, 478.1, 478.2,
20 9 478.3, 478.4, 478.5, 478.6, 478.7, 478.10, 478.11, 478.12,
20 10 478.13, 478.15, 478.18, 478.19, 478.20, 478.21, 478.24, 478.25,
20 11 478.26, 478.27, 478.28, 478.30, 478.31, 478.32, 478A.7, 479.1,
20 12 479.2, 479.5, 479A.1, 479A.2, 479B.1, 479B.2, 480.3, 657.1,
20 13 714D.2, 714D.6, and 714D.7.

20 14 Sec. 45. TRANSITION PROVISIONS ==== CONTINUATION OF GRANTS.

20 15 1. Any moneys remaining in any account or fund under the
20 16 control of the office of energy independence on the effective
20 17 date of this Act relative to the provisions of this Act shall
20 18 be transferred to a comparable fund or account under the
20 19 control of the Iowa energy regulatory board for such purposes.
20 20 Notwithstanding section 8.33, the moneys transferred in
20 21 accordance with this subsection shall not revert to the account
20 22 or fund from which appropriated or transferred.

20 23 2. Any license, permit, or contract issued or entered into
20 24 by the office of energy independence relative to the provisions
20 25 of this Act in effect on the effective date of this Act shall
20 26 continue in full force and effect pending transfer of such
20 27 licenses, permits, or contracts to the Iowa energy regulatory
20 28 board.

20 29 3. Grants or loans awarded from the Iowa power fund pursuant
20 30 to section 469.9 prior to the effective date of this Act shall
20 31 continue as provided by the terms of the grants or loans and
20 32 shall be administered by the Iowa energy regulatory board.

20 33 4. Federal funds utilized by the director of the office of
20 34 energy independence prior to the effective date of this Act to
20 35 employ personnel necessary to administer the provisions of this



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21 1 Act shall be applicable to the transfer of such personnel from
21 2 the office of energy independence to the Iowa energy regulatory
21 3 board.

21 4 Sec. 46. TRANSITION PROVISIONS ==== RULEMAKING.

21 5 Administrative rules previously adopted by the office of
21 6 energy independence relative to the provisions of this Act in
21 7 existence on the effective date of this Act shall continue in
21 8 full force and effect until adopted, amended, or repealed by
21 9 the Iowa energy regulatory board.

21 10 EXPLANATION

21 11 This bill makes several changes regarding energy management
21 12 and regulation in this state.

21 13 The bill repeals Code chapter 469, which provides for
21 14 the establishment and administration of the office of energy
21 15 independence, the Iowa power fund, and related renewable
21 16 energy and energy efficiency projects, effective July 1,
21 17 2011. The bill makes a number of conforming changes deleting
21 18 references to the office of energy independence and the Iowa
21 19 power fund, and changing administration of specified energy
21 20 efficiency-related functions transferred to the office from the
21 21 department of natural resources during the 2009 Legislative
21 22 Session to a newly established Iowa energy regulatory board,
21 23 which replaces the Iowa utilities board. The bill provides
21 24 transition provisions regarding the transfer of moneys retained
21 25 in any account or fund under the control of the office of
21 26 energy independence on the bill's effective date to the board,
21 27 the continuation of any license, permit, or contract issued or
21 28 entered into by the office relative to the bill's provisions
21 29 in effect on the bill's effective date pending their transfer
21 30 to the board, and the continuation of grants or loans awarded
21 31 from the Iowa power fund prior to the bill's effective date.
21 32 Transition provisions are also included relating to the
21 33 transfer of federal funds being utilized by the director of the
21 34 office prior to the bill's effective date to employ personnel
21 35 necessary to administer the provisions of the bill to the



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22 1 board, and relating to rulemaking.
22 2 The bill additionally repeals Code chapter 475A, which
22 3 provides for the establishment of the office of consumer
22 4 advocate, effective July 1, 2011. The bill makes a number
22 5 of conforming changes deleting references to the office, and
22 6 transfers specified responsibilities currently assigned to
22 7 the consumer advocate relating to investigating the legality
22 8 of rates, charges, rules, regulations, and practices of
22 9 persons under the jurisdiction of the Iowa utilities board,
22 10 and instituting legal proceedings in relation thereto, to the
22 11 general counsel of the newly established Iowa energy regulatory
22 12 board. This transfer is consistent with responsibilities
22 13 previously held by the position of commerce counsel, under the
22 14 administration of what is currently the utilities board, prior
22 15 to the establishment of the office of consumer advocate. The
22 16 bill also clarifies that the Iowa energy regulatory board shall
22 17 be responsible for representing consumer interests in electric,
22 18 gas, and telephone regulatory issues at the state and federal
22 19 level in addition to current responsibilities charged to the
22 20 utilities board in Code section 474.9.
22 21 In addition to transferring energy administration and
22 22 management functions of the office of energy independence,
22 23 and the above=referenced consumer=related responsibilities
22 24 of the office of consumer advocate, to the Iowa energy
22 25 regulatory board, the bill changes all Code references from
22 26 "Iowa utilities board" or "utilities board" to "Iowa energy
22 27 regulatory board" or "energy regulatory board".

LSB 1638YH (10) 84

rn/sc



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HOUSE FILE
BY WATTS

A BILL FOR

1 An Act relating to the rights of members of a residential
2 cooperative, owners of a condominium, or owners of certain
3 other residential property.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. NEW SECTION. 335.26 Display of American flag
1 2 or campaign signs.
1 3 A regulation or restriction pertaining to the use of
1 4 residential property that prohibits the display of the American
1 5 flag or the display of a political sign within six weeks of the
1 6 day of an election, is void as against the public policy of
1 7 this state and shall not be given legal or equitable effect.
1 8 Sec. 2. Section 499A.2A, Code 2011, is amended to read as
1 9 follows:
1 10 499A.2A Bylaws.
1 11 1. The initial bylaws of the cooperative shall be adopted by
1 12 the cooperative's board of directors. Prior to the admission
1 13 of members to the cooperative, the power to alter, amend, or
1 14 repeal the bylaws or adopt new bylaws is vested in the board
1 15 of directors. Following the admission of members to the
1 16 cooperative, the power to alter, amend, or repeal the bylaws or
1 17 adopt new bylaws is vested in the members in accordance with
1 18 the method set forth in the bylaws.
1 19 2. The bylaws may contain any provisions for the
1 20 regulation and management of the affairs of the cooperative
1 21 not inconsistent with law or the articles of incorporation.
1 22 However, the bylaws must provide for:
1 23 ~~1.~~ a. The number of members of the board of directors and
1 24 the term of the members.
1 25 ~~2.~~ b. The election of a president, vice president,
1 26 treasurer, and secretary by the board of directors.
1 27 ~~3.~~ c. The qualifications, powers and duties, terms of
1 28 office, and manner of electing and removing board members and
1 29 officers and filling vacancies of such members.
1 30 ~~4.~~ d. The method of amending the bylaws.
1 31 3. The bylaws shall not prohibit or restrict a member from:
1 32 a. Displaying the flag of the United States on residential
1 33 property in which the member has a separate ownership interest
1 34 or a right to exclusive possession or use.
1 35 b. Displaying political signs for six weeks prior to the day



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2 1 of an election.

2 2 Sec. 3. Section 499B.15, Code 2011, is amended to read as
2 3 follows:

2 4 499B.15 Contents of bylaws.

2 5 1. The bylaws must provide for at least the following:

2 6 ~~1.~~ a. The form of administration, indicating whether
2 7 this shall be in charge of an administrator or of a board of
2 8 administration, or otherwise, and specifying the powers, manner
2 9 of removal, and, where proper, the compensation thereof.

2 10 ~~2.~~ b. If the form of administration is a board of
2 11 administration, board meetings must be open to all apartment
2 12 owners except for meetings between the board and its attorney
2 13 with respect to proposed or pending litigation where the
2 14 contents of the discussion would otherwise be governed by
2 15 the attorney-client privilege. Notice of each board meeting
2 16 must be mailed or delivered to each apartment owner at least
2 17 seven days before the meeting. Minutes of meetings of the
2 18 board of administration must be maintained in written form
2 19 or in another form that can be converted into written form
2 20 within a reasonable time. The official records of the board
2 21 of administration must be open to inspection and available for
2 22 photocopying at reasonable times and places. Any action taken
2 23 by a board of administration at a meeting that is in violation
2 24 of any of the provisions of this subsection is not valid or
2 25 enforceable.

2 26 ~~3.~~ c. Method of calling or summoning the co-owners
2 27 to assemble; what percentage, if other than a majority of
2 28 apartment owners, shall constitute a quorum; who is to preside
2 29 over the meeting and who will keep the minute book wherein the
2 30 resolutions shall be recorded.

2 31 ~~4.~~ d. Maintenance, repair, and replacement of the common
2 32 areas and facilities and payments therefor including the method
2 33 of approving payment vouchers.

2 34 ~~5.~~ e. Manner of collecting from the apartment owners their
2 35 share of the common expenses.



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3 1 ~~6.~~ f. Designation and removal of personnel necessary for
3 2 the maintenance, repair, and replacement of the common areas
3 3 and facilities.
3 4 ~~7.~~ g. The percentage of votes required to amend the bylaws.
3 5 2. The bylaws shall not prohibit or restrict an owner from:
3 6 a. Displaying the flag of the United States on residential
3 7 property in which the owner has a separate ownership interest
3 8 or a right to exclusive possession or use.
3 9 b. Displaying political signs for six weeks prior to the day
3 10 of an election.
3 11 Sec. 4. NEW SECTION. 558B.1 Display of American flag or
3 12 campaign signs.
3 13 A restriction, reservation, condition, exception, or
3 14 covenant in a subdivision plan, warranty deed, or other
3 15 instrument of or pertaining to the transfer, sale, lease, or
3 16 use of residential property that prohibits the display of the
3 17 American flag or the display of a political sign within six
3 18 weeks of the day of an election, is void as against the public
3 19 policy of this state and shall not be given legal or equitable
3 20 effect.

3 21 EXPLANATION

3 22 This bill provides that a person whose residence is part of
3 23 a cooperative or condominium, or whose residence is governed
3 24 by a restrictive covenant or other restrictive conditions may
3 25 display the American flag on that property under the person's
3 26 control. The person may also display political signs for six
3 27 weeks prior to the day of an election.

LSB 1647YH (3) 84

jr/sc



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HOUSE FILE
BY MASCHER

A BILL FOR

1 An Act relating to mobile homes and manufactured homes by
2 making changes to certain residential landlord and tenant
3 laws, requiring disclosures during the sale of manufactured
4 and mobile homes, amending provisions relating to forcible
5 entry and detainer actions, providing penalties, and
6 including applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1600YH (3) 84
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1 1 Section 1. Section 103A.55, subsection 1, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. h. Failing to provide the purchaser with the
1 4 disclosure statement in compliance with section 558.72.
1 5 Sec. 2. Section 321.49, subsection 3, Code 2011, is amended
1 6 to read as follows:
1 7 3. A manufactured or mobile home retailer who acquires
1 8 a used mobile home or manufactured home, titled in Iowa, and
1 9 who does not apply for and obtain a certificate of title
1 10 from the county treasurer of the manufactured or mobile home
1 11 retailer's county of residence within thirty days of the date
1 12 of acquisition, as required under section 321.45, subsection
1 13 4, is subject to a penalty of ~~ten~~ five hundred dollars. A
1 14 certificate of title shall not be issued to the manufactured or
1 15 mobile home retailer until the penalty is paid.
1 16 Sec. 3. NEW SECTION. 558.72 Disclosure statement required
1 17 for manufactured and mobile home sales.
1 18 1. Prior to the sale of a manufactured or mobile home,
1 19 the seller shall deliver a written disclosure statement, on
1 20 a form prescribed by the attorney general, to the purchaser
1 21 that clearly sets forth certain information, including but not
1 22 limited to the following information:
1 23 a. If the manufactured or mobile home and any real
1 24 estate that is part of the sale has been separately assessed
1 25 for property tax purposes, the current assessed value, if
1 26 applicable, and the most recent property tax amount due and
1 27 payable for the manufactured or mobile home and the real
1 28 estate, if applicable.
1 29 b. A complete description of any property taxes due and
1 30 payable on the manufactured or mobile home or real estate
1 31 and a complete description of any special assessment on the
1 32 manufactured or mobile home and the real estate and the term of
1 33 the assessment, including information on whether any property
1 34 taxes or special assessments are delinquent and whether any
1 35 tax sale certificates have been issued for delinquent property



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- 2 1 taxes or special assessments on the real estate.
- 2 2 c. A complete description of any mortgages or other liens
- 2 3 encumbering or secured by the manufactured or mobile home or
- 2 4 the real estate, including the identity and address of the
- 2 5 current owner of record with respect to each such mortgage or
- 2 6 lien, as well as a description of the total outstanding balance
- 2 7 and due date under any such mortgage or lien.
- 2 8 d. A complete schedule for all payments to be made pursuant
- 2 9 to the sales contract, if applicable, which schedule shall
- 2 10 include information on the portion of each payment to be
- 2 11 applied to principal and the portion to be applied to interest.
- 2 12 e. If the applicable sales contract requires a balloon
- 2 13 payment, a complete description of the balloon payment,
- 2 14 including the date the payment is due, the amount of the
- 2 15 balloon payment, and other terms related to the balloon
- 2 16 payment. For purposes of this paragraph, a "balloon payment" is
- 2 17 any scheduled payment that is more than twice as large as the
- 2 18 average of earlier scheduled payments.
- 2 19 f. The annual percentage rate of interest to be charged
- 2 20 under the sales contract, if applicable.
- 2 21 g. A statement that the purchaser has a right to seek
- 2 22 independent legal counsel concerning the sale and any
- 2 23 applicable sales contract, and any matters pertaining to such
- 2 24 contract.
- 2 25 h. A statement that the purchaser has a right to receive a
- 2 26 true and complete copy of any applicable sales contract after
- 2 27 it has been executed by all parties to the contract.
- 2 28 i. The mailing address of each party to the sale or
- 2 29 applicable sales contract.
- 2 30 j. If the contract is an installment sales contract and is
- 2 31 subject to forfeiture, a statement that if the purchaser does
- 2 32 not comply with the terms of the contract, the purchaser may
- 2 33 lose all rights in the manufactured or mobile home, any real
- 2 34 estate that is part of the contract, and all sums paid under
- 2 35 the contract.



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3 1 2. a. If the sale of the manufactured or mobile home
3 2 involves an installment sales contract, the contract seller
3 3 shall, after the contract has been executed by all parties,
3 4 mail a true and correct copy of the contract by regular
3 5 first-class mail to the last known address of each contract
3 6 purchaser. However, this requirement is satisfied as to any
3 7 purchaser who acknowledges in writing that the purchaser
3 8 has received a true and correct copy of the fully executed
3 9 contract.

3 10 b. This subsection applies to installment sales contracts
3 11 involving a contract seller who entered into four or more
3 12 contracts for the sale of manufactured or mobile homes in the
3 13 three hundred sixty-five days previous to the contract seller
3 14 signing the contract disclosure statement. For purposes of
3 15 this subsection, two or more entities sharing a common owner or
3 16 manager are considered a single contract seller.

3 17 3. The seller and the purchaser shall sign and date the
3 18 disclosure statement required under this section and the seller
3 19 shall provide the purchaser a copy of the disclosure statement
3 20 immediately following receipt of the purchaser's signature.

3 21 4. In addition to the rights provided under section 558.73,
3 22 a purchaser under this section shall have all applicable rights
3 23 provided under section 558.71 as if such purchaser was a
3 24 purchaser under section 558.70, and all references in section
3 25 558.71 to "real estate" shall be construed to include the
3 26 manufactured or mobile home that is subject to the installment
3 27 sales contract.

3 28 5. This section does not apply to a person or organization
3 29 listed in section 535B.2, subsections 1 through 6.

3 30 6. This section shall not limit or abridge any duty,
3 31 requirement, obligation, or liability for disclosure created
3 32 by any other provision of law, or under a contract between the
3 33 parties.

3 34 7. A violation of this section by a seller is an unlawful
3 35 practice pursuant to section 714.16.



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4 1 8. For purposes of this section and section 558.73, "sale"
4 2 includes conveyance, transfer, exchange, or barter, conditional
4 3 or otherwise, in any manner or by any means, and at any time,
4 4 for consideration.
4 5 Sec. 4. NEW SECTION. 558.73 Contract for sale of
4 6 manufactured or mobile home ==== failure to deliver title ====
4 7 remedy.
4 8 1. If the seller of a manufactured or mobile home fails to
4 9 deliver a certificate of title duly assigned to the purchaser
4 10 of the manufactured or mobile home or if the seller, in
4 11 an installment sales contract, fails to deliver a copy of
4 12 the seller's certificate of title to the purchaser of the
4 13 manufactured or mobile home within thirty days following
4 14 execution of the contract, the purchaser may within two years
4 15 of the execution of the contract bring an equitable action in
4 16 the district court of record where the real estate is located
4 17 to obtain relief as follows:
4 18 a. The court may rescind a contract that remains in
4 19 existence at the time the action is commenced and award
4 20 restitution to the purchaser determined in accordance with the
4 21 standards for damages specified in paragraph "b".
4 22 b. If the contract has been terminated by any means prior to
4 23 commencement of the action, the purchaser may recover a money
4 24 judgment against the seller for a sum equal to all amounts the
4 25 purchaser paid to the seller, plus the reasonable value of any
4 26 improvements to the manufactured or mobile home made by the
4 27 purchaser, plus any other proximately caused or incidental
4 28 damages, less the fair rental value of the manufactured
4 29 or mobile home for the period of time the purchaser was
4 30 in possession of the manufactured or mobile home. For the
4 31 purposes of this paragraph, the fair rental value of the
4 32 manufactured or mobile home shall be based on the fair rental
4 33 value as of the date the contract was executed by all parties
4 34 to the contract.
4 35 2. An order of rescision or a money judgment awarded shall



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5 1 not affect any rights or responsibilities arising from any
5 2 conveyance or encumbrance made by either the purchaser or the
5 3 seller prior to the filing of a lis pendens in the action in
5 4 which such relief is sought, unless it is established by clear
5 5 and convincing evidence that the recipient of such conveyance
5 6 or encumbrance had prior knowledge that the contract was
5 7 executed in violation of the requirements of section 558.72.

5 8 3. In an action in which a purchaser obtains relief under
5 9 this section, the court shall also award to such purchaser the
5 10 costs of the action and to the purchaser's attorney reasonable
5 11 attorney fees incurred in bringing the action.

5 12 Sec. 5. Section 562B.4, Code 2011, is amended by adding the
5 13 following new subsection:

5 14 NEW SUBSECTION. 3. A violation by a landlord of any
5 15 applicable requirement of division I, II, or IV of this chapter
5 16 is an unlawful practice pursuant to section 714.16.

5 17 Sec. 6. Section 562B.10, subsection 4, Code 2011, is amended
5 18 to read as follows:

5 19 4. a. Rental agreements shall be for a term of at least
5 20 one year ~~unless otherwise specified in the rental agreement.~~

5 21 Rental agreements shall be canceled by at least sixty days'
5 22 written notice given by either party. A notice to cancel
5 23 under this subsection initiated by a landlord shall be for
5 24 good cause. A landlord shall not, however, cancel a rental
5 25 agreement for good cause unless the tenant is provided notice
5 26 of the specific reason of the termination and is allowed
5 27 fourteen days to remedy the violation or noncompliance. A
5 28 landlord shall not cancel a rental agreement solely for the
5 29 purpose of making the tenant's mobile home space available for
5 30 another mobile home.

5 31 b. For purposes of this subsection, "good cause" means
5 32 violation of this chapter by the tenant, a legitimate business
5 33 reason the impact of which is not specific to one tenant,
5 34 a material violation of the manufactured home community or
5 35 mobile home park rules or regulations, a change in the use



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6 1 of the land if change in use of the land is included in the
6 2 rental agreement as a ground for termination, or material
6 3 noncompliance with the rental agreement by the tenant.

6 4 Sec. 7. Section 562B.13, subsection 8, Code 2011, is amended
6 5 to read as follows:

6 6 8. The ~~bad faith~~ bad=faith retention of a deposit by a
6 7 landlord, or any portion of the rental deposit, in violation of
6 8 this section shall subject the landlord to punitive damages of
6 9 not ~~to exceed two~~ less than five hundred dollars in addition
6 10 to actual damages to be awarded to the tenant and reasonable
6 11 attorney fees to be awarded to the tenant's attorney.

6 12 Sec. 8. Section 562B.14, subsection 6, Code 2011, is amended
6 13 by striking the subsection and inserting in lieu thereof the
6 14 following:

6 15 6. The landlord or any person authorized to enter into
6 16 a rental agreement on the landlord's behalf shall before the
6 17 rental agreement is executed provide a copy of the rules or
6 18 regulations of the manufactured home community or mobile home
6 19 park adopted under section 562B.19 and provide a written
6 20 disclosure statement to the prospective tenant that provides an
6 21 explanation of all of the following:

6 22 a. Utility rates, charges and services, unless the utility
6 23 charges are paid by the tenant directly to the utility company.

6 24 b. Any fee or amount required to be paid by the tenant to
6 25 the landlord or to a third party as a condition of the rental
6 26 agreement.

6 27 c. Rights of the tenant to enforce any right or obligation
6 28 declared by this chapter under section 562B.4, subsection 2.

6 29 d. Rental agreement provisions that are prohibited under
6 30 section 562B.11.

6 31 e. Reasons for which the landlord may withhold amounts from
6 32 the rental deposit under section 562B.13, subsection 3.

6 33 f. Duties of the landlord under section 562B.16.

6 34 g. Remedies available to the tenant under sections 562B.22,
6 35 562B.23, and 562B.24, and section 562B.31, subsection 2.



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7 1 Sec. 9. Section 562B.19, subsection 3, paragraph d, Code
7 2 2011, is amended to read as follows:

7 3 d. Exact a commission or fee with respect to the price
7 4 realized by the tenant selling the tenant's mobile home, ~~unless~~
~~7 5 the manufactured home community or park owner or operator has~~
~~7 6 acted as agent for the mobile home owner pursuant to a written~~
~~7 7 agreement.~~

7 8 Sec. 10. Section 562B.19, subsection 3, Code 2011, is
7 9 amended by adding the following new paragraph:

7 10 NEW PARAGRAPH. g. Act as an agent for the mobile home owner
7 11 who is a tenant during the sale of a mobile home.

7 12 Sec. 11. Section 562B.22, subsection 2, Code 2011, is
7 13 amended to read as follows:

7 14 2. Except as provided in this chapter, the tenant may
7 15 recover damages, and obtain injunctive relief for any
7 16 noncompliance by the landlord with the rental agreement or with
7 17 section 562B.16. The tenant may also be awarded court costs
7 18 and the tenant's attorney may be awarded attorney fees.

7 19 Sec. 12. Section 562B.22, Code 2011, is amended by adding
7 20 the following new subsection:

7 21 NEW SUBSECTION. 4. In addition to other remedies under this
7 22 chapter, if there is a noncompliance with the rental agreement
7 23 or noncompliance with section 562B.16 materially affecting
7 24 health and safety, the tenant may deliver written notice to
7 25 the landlord specifying the acts or omissions constituting the
7 26 breach and if the breach is not remedied in fourteen days,
7 27 procure items or services to remedy the noncompliance during
7 28 the period of the landlord's breach and deduct their actual and
7 29 reasonable cost from the rent.

7 30 Sec. 13. Section 562B.23, subsection 1, paragraph b, Code
7 31 2011, is amended to read as follows:

7 32 b. Demand performance of the rental agreement by the
7 33 landlord and, if the tenant elects, maintain an action for
7 34 possession of the mobile home space against the landlord and
7 35 recover the damages sustained by the tenant plus reasonable



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8 1 attorney fees to be paid to the tenant's attorney and court
8 2 costs to be paid to the tenant.

8 3 Sec. 14. Section 562B.24, Code 2011, is amended to read as
8 4 follows:

8 5 562B.24 Tenant's remedies for landlord's unlawful ouster,
8 6 exclusion, or diminution of services.

8 7 If the landlord unlawfully removes or excludes the tenant
8 8 from the manufactured home community or mobile home park or
8 9 willfully diminishes services to the tenant by interrupting
8 10 or causing the interruption of electric, gas, water, or
8 11 other essential service to the tenant, the tenant may recover
8 12 possession, require the restoration of essential services, or
8 13 terminate the rental agreement and, in ~~either~~ any such case,
8 14 recover an amount not to exceed two months' periodic rent
8 15 and twice the actual damages sustained by the tenant, plus
8 16 reasonable attorney fees to be awarded to the tenant's attorney
8 17 and court costs to be awarded to the tenant.

8 18 Sec. 15. Section 562B.25, subsection 2, Code 2011, is
8 19 amended to read as follows:

8 20 2. If rent is unpaid when due and the tenant fails to pay
8 21 rent within ~~three~~ thirty days after written notice by the
8 22 landlord of nonpayment and of the landlord's intention to
8 23 terminate the rental agreement if the rent is not paid within
8 24 that period of time, the landlord may terminate the rental
8 25 agreement.

8 26 Sec. 16. Section 562B.27, subsection 1, Code 2011, is
8 27 amended to read as follows:

8 28 1. A tenant is considered to have abandoned a mobile home
8 29 when the tenant has been absent from the mobile home without
8 30 reasonable explanation for thirty days or more during which
8 31 time there is either a default of rent ~~three~~ thirty days after
8 32 rent is due, or the rental agreement is terminated pursuant to
8 33 section 562B.25. A tenant's return to the mobile home does
8 34 not change its status as abandoned unless the tenant pays to
8 35 the landlord all costs incurred for the mobile home space,



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9 1 including costs of removal, storage, notice, attorney fees, and
9 2 all rent and utilities due and owing.

9 3 Sec. 17. Section 562B.27, subsection 2, paragraph a, Code
9 4 2011, is amended to read as follows:

9 5 a. If a tenant abandons a mobile home on a mobile home
9 6 space, the landlord shall notify the mobile home owner or other
9 7 claimant of the mobile home and communicate to that person that
9 8 the person is liable for any costs incurred for the mobile home
9 9 space, including rent and utilities due and owing. A claimant
9 10 includes a holder of a lien as defined in section 555B.2.
9 11 However, the person is only liable for costs incurred ninety
9 12 days before the landlord's communication. After the landlord's
9 13 communication, costs for which liability is incurred shall then
9 14 become the responsibility of the mobile home owner or other
9 15 claimant of the mobile home. The mobile home ~~shall not~~ may be
9 16 removed from the mobile home space ~~without a signed written~~
~~9 17 agreement from the landlord showing clearance for removal,~~
~~9 18 and that all debts are paid in full, or an agreement reached~~
~~9 19 with the~~ by the mobile home owner or other claimant ~~and the~~
~~9 20 landlord~~ prior to disposal or removal of the mobile home under
9 21 chapter 555B, unless otherwise prohibited under chapter 648.
9 22 Removal of the mobile home shall not, however, affect any claim
9 23 for amounts due or owing to the landlord, tenant, or other
9 24 claimant.

9 25 Sec. 18. Section 562B.31, subsection 2, Code 2011, is
9 26 amended to read as follows:

9 27 2. If the landlord makes an unlawful entry or a lawful entry
9 28 to the mobile home space in an unreasonable manner or makes
9 29 repeated demands for entry otherwise lawful but which have
9 30 the effect of unreasonably harassing the tenant, the tenant
9 31 may obtain injunctive relief to prevent the recurrence of the
9 32 conduct or terminate the rental agreement. In either case, the
9 33 tenant may recover actual damages not less than an amount equal
9 34 to one month's rent to be awarded to the tenant plus attorney
9 35 fees to be awarded to the tenant's attorney.



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10 1 Sec. 19. Section 562B.32, subsection 2, Code 2011, is
10 2 amended to read as follows:

10 3 2. If the landlord acts in violation of subsection 1
10 4 of this section, the tenant is entitled to the remedies
10 5 provided in section 562B.24 and has a defense in an action for
10 6 possession. In an action by or against the tenant, evidence
10 7 of a complaint within ~~six~~ twelve months prior to the alleged
10 8 act of retaliation creates a presumption that the landlord's
10 9 conduct was in retaliation. The presumption does not arise
10 10 if the tenant made the complaint after notice of termination
10 11 of the rental agreement. For the purpose of this subsection,
10 12 "presumption" means that the trier of fact must find the
10 13 existence of the fact presumed unless and until evidence is
10 14 introduced which would support a finding of its nonexistence.

10 15 Sec. 20. Section 562B.32, subsection 3, paragraph b, Code
10 16 2011, is amended to read as follows:

10 17 b. The tenant is in default of rent ~~three~~ thirty days after
10 18 rent is due. The maintenance of the action does not release
10 19 the landlord from liability under section 562B.22, subsection
10 20 2.

10 21 Sec. 21. Section 648.3, subsection 1, Code 2011, is amended
10 22 to read as follows:

10 23 1. Before action can be brought under any ground specified
10 24 in section 648.1, except subsection 1, three days' notice to
10 25 quit must be given to the defendant in writing. However, a
10 26 landlord who has given a tenant three days' notice to pay rent
10 27 and has terminated the tenancy as provided in section 562A.27,
10 28 subsection 2, or who has given a tenant thirty days' notice
10 29 to pay rent and has terminated the tenancy as provided in
10 30 section 562B.25, subsection 2, if the tenant is renting the
10 31 manufactured or mobile home or the land from the landlord, may
10 32 commence the action without giving a three-day notice to quit.

10 33 Sec. 22. Section 648.22, Code 2011, is amended to read as
10 34 follows:

10 35 648.22 Judgment ==== execution ==== costs.



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11 1 1. If the defendant is found guilty, judgment shall be
11 2 entered that the defendant be removed from the premises, and
11 3 that the plaintiff be put in possession of the premises, and
11 4 an execution for the defendant's removal within three days
11 5 from the judgment shall issue accordingly, to which shall be
11 6 added a clause commanding the officer to collect the costs as
11 7 in ordinary cases.

11 8 2. In cases covered by chapter 562B, the order entering
11 9 judgment shall include information describing the powers and
11 10 duties of the plaintiff and defendant under section 648.22A in
11 11 a form and in the manner prescribed by the attorney general.

11 12 Sec. 23. Section 648.22A, subsection 1, paragraph a, Code
11 13 2011, is amended to read as follows:

11 14 a. The plaintiff ~~consents and the plaintiff~~ has complied
11 15 with the provisions of section 648.6.

11 16 Sec. 24. Section 648.22A, subsection 7, Code 2011, is
11 17 amended to read as follows:

11 18 7. ~~Nothing in this~~ This section shall not prevent the
11 19 defendant from removing the mobile home or manufactured home
11 20 prior to the expiration of three days after entry of judgment,
11 21 after which time a mobile home or manufactured home shall not
11 22 be removed without the prior payment to the plaintiff of ~~all~~
~~11 23 sums owing at the time of entry of judgment, interest accrued~~
~~11 24 on such sums as provided by law, and~~ amounts ordered by the
11 25 court resulting from a claim for rent or recovery filed in
11 26 connection with the action under section 648.19, subsection
11 27 1, and meeting the requirements of section 648.19, subsection
11 28 3, the per diem rent for that portion of the sixty-day period
11 29 which has expired prior to removal, and payment of any taxes
11 30 due on the home which are not abated pursuant to subsection 5.

11 31 Sec. 25. Section 714.8, subsection 20, Code 2011, is amended
11 32 to read as follows:

11 33 20. A contract seller who intentionally provides inaccurate
11 34 information with regard to any matter required to be disclosed
11 35 under section 558.70, subsection 1, section 558.72, subsection



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12 1 1, or section 558A.4.

12 2 Sec. 26. APPLICABILITY. This Act applies to rental
12 3 agreements and contracts entered into, extended, or renewed on
12 4 or after July 1, 2011.

12 5 EXPLANATION

12 6 This bill relates to manufactured and mobile home landlord
12 7 and tenant laws, required disclosures during the sale of
12 8 manufactured and mobile homes, and actions for forcible entry
12 9 and detainer.

12 10 The bill increases from \$10 to \$500 the penalty imposed on a
12 11 manufactured or mobile home retailer who acquires a used mobile
12 12 home or manufactured home, titled in Iowa, and who does not
12 13 apply for and obtain a certificate of title from the county
12 14 treasurer of the manufactured or mobile home retailer's county
12 15 of residence within 30 days of the date of acquisition.

12 16 The bill enacts new Code section 558.72, which establishes
12 17 a required disclosure statement for use in the sale of
12 18 manufactured homes and mobile homes. The bill provides that
12 19 prior to the sale of a manufactured or mobile home, the
12 20 seller shall deliver a written disclosure statement, on a
12 21 form prescribed by the attorney general, to the purchaser
12 22 which sets forth information relating to the property tax
12 23 status and special assessments for the manufactured or
12 24 mobile home and any real estate that is part of the sale,
12 25 a description of any mortgages or other liens encumbering
12 26 or secured by the manufactured or mobile home or the real
12 27 estate, a schedule for all payments to be made under the sales
12 28 contract, if applicable, information relating to any balloon
12 29 payments to be made under the contract, if applicable, and
12 30 the annual percentage rate of interest to be charged under
12 31 the sales contract, if applicable. The disclosure statement
12 32 must also include a statement that the purchaser has a right
12 33 to seek independent legal counsel concerning the sale and
12 34 any applicable sales contract, include a statement that the
12 35 purchaser has a right to receive a true and complete copy of



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13 1 any applicable sales contract after it has been executed by
13 2 all parties to the contract, include the mailing address of
13 3 each party to the sale or applicable sales contract, and, if
13 4 the contract is an installment sales contract and is subject
13 5 to forfeiture, include a statement that if the purchaser does
13 6 not comply with the terms of the contract, the purchaser may
13 7 lose all rights in the manufactured or mobile home, any real
13 8 estate that is part of the contract, and all sums paid under
13 9 the contract. The bill requires the seller and purchaser to
13 10 sign and date the disclosure statement and requires the seller
13 11 to provide a copy of the disclosure statement immediately
13 12 following receipt of the purchaser's signature. The bill also
13 13 provides for specific mailing instructions for certain contract
13 14 sellers if the sale of the manufactured or mobile home involves
13 15 an installment sales contract. The bill provides that an
13 16 installment sales contract purchaser under new Code section
13 17 558.72 has all applicable rights provided under Code section
13 18 558.71, relating to installment sales contracts for residential
13 19 real estate. The bill provides that certain financial
13 20 institutions, lenders, insurance companies, and licensed
13 21 real estate brokers are exempt from the disclosure statement
13 22 requirements. The new disclosure statement requirements do
13 23 not limit or abridge any duty, requirement, obligation, or
13 24 liability for disclosure created by any other provision of law,
13 25 or under a contract between the parties. The bill provides
13 26 that a violation of new Code section 558.72 is an unlawful
13 27 practice pursuant to Code section 714.16 (consumer frauds).
13 28 The bill provides that if the seller of a manufactured
13 29 or mobile home fails to deliver a certificate of title duly
13 30 assigned to the purchaser of the manufactured or mobile home
13 31 or if the seller in an installment sales contract fails to
13 32 deliver a copy of the seller's certificate of title to the
13 33 purchaser within 30 days following execution of the contract,
13 34 the purchaser may within two years of the execution of the
13 35 contract bring an equitable action to obtain rescission of the



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14 1 contract and recover certain amounts paid to the purchaser.
14 2 If a purchaser obtains relief, the court is required to award
14 3 costs of the action to the purchaser and reasonable attorney
14 4 fees to the purchaser's attorney.
14 5 The bill amends Code section 103A.55 to include the failure
14 6 of a manufactured or mobile home retailer, manufactured or
14 7 mobile home manufacturer, or manufactured or mobile home
14 8 distributor to provide the purchaser with the disclosure
14 9 statement in compliance with new Code section 558.72, as
14 10 grounds to revoke, suspend, or refuse the license of such
14 11 retailer, manufacturer, or distributor.
14 12 The bill provides that a contract seller who intentionally
14 13 provides inaccurate information with regard to any matter
14 14 required to be disclosed under new Code section 558.72, is
14 15 guilty of a fraudulent practice. The penalties for the crime
14 16 of fraudulent practice range from a simple misdemeanor to a
14 17 class "C" felony.
14 18 The bill provides that a violation by a landlord of any
14 19 applicable requirement of division I, II, or IV of Code chapter
14 20 562B is an unlawful practice pursuant to Code section 714.16
14 21 (consumer frauds).
14 22 The bill requires mobile home space rental agreements to be
14 23 for a term of at least one year.
14 24 The bill provides that a landlord must have good cause
14 25 before terminating a mobile home space rental agreement under
14 26 Code section 562B.10(4) and must provide the tenant 14 days to
14 27 remedy the violation or noncompliance before terminating the
14 28 agreement for good cause. The bill defines "good cause" as
14 29 a violation of Code chapter 562B by the tenant, a legitimate
14 30 business reason the impact of which is not specific to one
14 31 tenant, a material violation of the manufactured home community
14 32 or mobile home park rules or regulations, a change in the use
14 33 of the land if change in use of the land is included in the
14 34 rental agreement as a ground for termination, or a material
14 35 noncompliance with the rental agreement by the tenant.



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15 1 The bill amends a provision relating to the bad=faith
15 2 retention of a deposit, or a portion of the rental deposit, by
15 3 a landlord to provide that the landlord is subject to punitive
15 4 damages of at least \$500, rather than not more than \$200, and
15 5 to the payment of the tenant's reasonable attorney fees, in
15 6 addition to actual damages.
15 7 The bill requires a landlord to, before the rental agreement
15 8 is executed, provide a copy of the rules or regulations of the
15 9 manufactured home community or mobile home park and provide a
15 10 written disclosure statement to the prospective tenant. The
15 11 written disclosure statement must include an explanation of
15 12 certain utility rates, charges, and services, an explanation
15 13 of any fee or amount required to be paid by the tenant to the
15 14 landlord or to a third party as a condition of the rental
15 15 agreement, an explanation of certain rights of the tenant under
15 16 Code chapter 562B, an explanation of statutorily prohibited
15 17 rental agreement provisions, an explanation of the reasons
15 18 for which the landlord may withhold amounts from the rental
15 19 deposit, and explanation of certain duties of the landlord,
15 20 and an explanation of certain statutorily authorized remedies
15 21 available to the tenant.
15 22 The bill prohibits a landlord from acting as an agent for a
15 23 mobile home owner who is a tenant during the sale of a mobile
15 24 home.
15 25 The bill provides that if there is noncompliance with the
15 26 rental agreement by the landlord or noncompliance with the
15 27 landlord's duty to maintain the premises materially affecting
15 28 health and safety, the tenant may deliver written notice to
15 29 the landlord specifying the acts or omissions constituting the
15 30 breach and if the breach is not remedied in 14 days, procure
15 31 items or services to remedy the noncompliance during the period
15 32 of the landlord's breach and deduct their actual and reasonable
15 33 cost from the rent.
15 34 The bill allows a tenant to recover reasonable attorney fees
15 35 for a landlord's unlawful ouster, exclusion, or diminution



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16 1 of services, and by operation of law, a tenant may recover
16 2 reasonable attorney fees in an action for retaliation under
16 3 Code section 562B.32.
16 4 The bill makes changes to several provisions of Code chapter
16 5 562B to specify that a tenant's attorney fees, if awarded by a
16 6 court, are awarded to the tenant's attorney and authorizes the
16 7 award of court costs and attorney fees in certain actions under
16 8 Code section 562B.22.
16 9 Current Code section 562B.25(2) provides that if rent is
16 10 unpaid when due and the tenant fails to pay rent within three
16 11 days after written notice by the landlord of nonpayment and
16 12 of the landlord's intention to terminate the rental agreement
16 13 if the rent is not paid within that period of time, the
16 14 landlord may terminate the rental agreement. The bill changes
16 15 the three-day limitation for payment of rent after written
16 16 notice by the landlord to 30 days. The bill makes conforming
16 17 amendments to Code chapter 648 (forcible entry and detainer).
16 18 The bill makes conforming amendments to Code sections
16 19 562B.27(1) and 562B.32(3), relating to abandonment of a mobile
16 20 home and a landlord's action for possession, respectively.
16 21 Under current law, a mobile home that is determined to be
16 22 abandoned may not be removed from the mobile home space without
16 23 a signed written agreement from the landlord showing clearance
16 24 for removal, and that all debts are paid in full, or an
16 25 agreement reached with the mobile home owner or other claimant
16 26 and the landlord. The bill allows removal of an abandoned
16 27 mobile home by the owner or other claimant without limitation
16 28 prior to disposal or removal of the mobile home by the landlord
16 29 under Code chapter 558B (disposal of abandoned mobile homes),
16 30 unless prohibited under Code chapter 648 (forcible entry and
16 31 detainer). The bill provides that removal of the mobile home
16 32 does not affect any claim for amounts due or owing to the
16 33 landlord, tenant, or other claimant.
16 34 Current law provides that evidence of a complaint within
16 35 six months prior to the alleged act of retaliation creates a



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17 1 presumption that the landlord's conduct was in retaliation.
17 2 The bill changes that period of presumption from six months to
17 3 12 months.
17 4 The bill requires the order of judgment in a forcible entry
17 5 and detainer action covered by Code chapter 562B to include
17 6 information describing the powers and duties of the plaintiff
17 7 and defendant specified in Code section 648.22A in a form and
17 8 in the manner prescribed by the attorney general. Code section
17 9 648.22A is amended to specify that only those amounts ordered
17 10 by the court resulting from a claim for rent or recovery filed
17 11 in connection with the forcible entry and detainer action and
17 12 considered separately by the court, in addition to certain
17 13 rents for the period prior to removal and certain taxes, must
17 14 be paid by the defendant prior to removal of the mobile home
17 15 after the expiration of three days after the entry of judgment.
17 16 The bill applies to rental agreements and contracts entered
17 17 into, extended, or renewed on or after July 1, 2011.

LSB 1600YH (3) 84

md/sc



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House File 352 - Introduced

HOUSE FILE
BY KAJTAZOVIC

(COMPANION TO SF 161
by sodders)

A BILL FOR

1 An Act relating to economic development by making changes to
2 the administration of the save our small businesses fund and
3 program and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1735HH (1) 84
tw/sc



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House File 352 - Introduced continued

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1 1 Section 1. Section 15.301, subsection 1, paragraph c, Code
1 2 2011, is amended to read as follows:
1 3 c. (1) If, on March 31, ~~2011~~ 2013, there are unobligated
1 4 moneys in the fund, such unobligated moneys shall revert to the
1 5 general fund of the state.
1 6 (2) For each quarter, beginning with the first quarter after
1 7 the reversion of moneys pursuant to subparagraph (1) and ending
1 8 with the last quarter prior to the reversion of moneys pursuant
1 9 to subparagraph (3), the department shall, on the last day of
1 10 the quarter, transfer to the general fund of the state the
1 11 balance of unencumbered moneys in the fund.
1 12 (3) On March 31, ~~2016~~ 2018, all moneys in the fund shall
1 13 revert to the general fund of the state.
1 14 Sec. 2. Section 15.301, subsection 2, paragraph a, Code
1 15 2011, is amended to read as follows:
1 16 a. The department shall establish and administer a program
1 17 for purposes of providing financial assistance to eligible
1 18 small businesses. For purposes of this section, "financial
1 19 assistance" means loans at an interest rate not to exceed three
1 20 and nine-tenths percent per annum and "eligible small business"
1 21 means a small business meeting the requirements of subsection
1 22 3. In administering the program, the department may negotiate
1 23 the terms on which the financial assistance is provided and may
1 24 include such terms in the loan agreements as are best designed
1 25 to effectuate the program's goals. Such terms may provide for
1 26 up to six months of interest-free financing.
1 27 Sec. 3. Section 15.301, subsection 2, paragraph e, Code
1 28 2011, is amended to read as follows:
1 29 e. The department, under the terms of an agreement with
1 30 ~~the~~ an organization designated pursuant to paragraph "b",
1 31 shall begin to provide financial assistance from the fund not
1 32 later than August 1, 2010, and shall to the extent practicable
1 33 obligate all available moneys in the fund prior to March 31,
1 34 ~~2011~~ 2013.
1 35 Sec. 4. Section 15.301, subsection 3, paragraph d, Code



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2 1 2011, is amended to read as follows:

2 2 d. The business has a business plan and has received
2 3 assistance in the development stage or the expansion stage from
2 4 ~~a~~ one of the following:

2 5 (1) A small business development center ~~or from a~~.

2 6 (2) A qualified public or nonprofit small business
2 7 consultant as defined by the department.

2 8 (3) A bank, credit union, or extension office deemed
2 9 capable of administering the provisions of this section by the
2 10 department.

2 11 Sec. 5. Section 15.301, subsection 5, paragraph c, Code
2 12 2011, is amended to read as follows:

2 13 c. (1) An eligible business that receives financial
2 14 assistance under this section shall not use such financial
2 15 assistance for purposes of meeting payroll obligations to
2 16 employees. However, the department may authorize an eligible
2 17 business to use not more than twenty-five percent of the loan
2 18 proceeds for purposes of meeting certain eligible operational
2 19 expenses.

2 20 (2) The department shall by rule determine what expenses
2 21 qualify as eligible operational expenses. In making such a
2 22 determination, the department shall consider factors such as
2 23 the availability and sufficiency of collateral, operational
2 24 cash flow, credit history, and adequacy of insurance coverage.

2 25 Sec. 6. 2010 Iowa Acts, chapter 1184, section 43, is amended
2 26 to read as follows:

2 27 SEC. 43. SAVE OUR SMALL BUSINESSES FUND APPROPRIATION.

2 28 There is appropriated from the school infrastructure fund
2 29 created in section 12.82 to the department of economic
2 30 development for deposit in the save our small businesses fund
2 31 for the fiscal year beginning July 1, 2010, and ending June 30,
2 32 2011, the following amount, or so much thereof as is necessary,
2 33 to be used for the purposes designated:

2 34 For purposes of providing financial assistance under the
2 35 save our small businesses program under section 15.301:



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3 1 \$ 5,000,000

3 2 Of the moneys appropriated pursuant to this section, the
3 3 department may allocate an amount not to exceed two percent of
3 4 the moneys appropriated for purposes of retaining the services
3 5 of an organization designated pursuant to section 15.301,
3 6 subsection 2, paragraph "b".

3 7 Of the moneys appropriated pursuant to this section, the
3 8 department may allocate not more than \$25,000 for purposes of
3 9 marketing the save our small businesses program.

3 10 Notwithstanding section 8.33, moneys appropriated in this
3 11 section that remain unencumbered or unobligated at the close of
3 12 the fiscal year shall not revert but shall remain available for
3 13 expenditure for the purposes designated.

3 14 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
3 15 immediate importance, takes effect upon enactment.

3 16 EXPLANATION

3 17 This bill relates to the administration of the save our
3 18 small businesses fund and program by the department of economic
3 19 development.

3 20 The bill extends by two years the time period during which
3 21 the department must obligate the funds available under the
3 22 program, allows the department to negotiate the terms on which
3 23 financial assistance is provided, directs the department to
3 24 accept business plans from banks, credit unions, and extension
3 25 offices, allows the department to authorize up to 25 percent of
3 26 the loan proceeds for certain operational expenses, and allows
3 27 the department to use up to \$25,000 of the moneys in the fund
3 28 for purposes of marketing the program.

3 29 Since the program has a statutorily defined schedule of
3 30 reversions to the general fund, the bill amends 2010 Iowa Acts
3 31 chapter 1184 to notwithstand the reversion of programs moneys
3 32 to the general fund at the close of the fiscal year pursuant to
3 33 Code section 8.33.

3 34 The bill takes effect upon enactment.

LSB 1735HH (1) 84

tw/sc



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House File 353 - Introduced

HOUSE FILE

BY LOFGREN, L. MILLER,
HEATON, BYRNES, SANDS,
KAUFMANN, GRASSLEY,
J. TAYLOR, JORGENSEN,
ALONS, KELLEY,
UPMEYER, and HELLAND

A BILL FOR

1 An Act relating to a minor child's prospective claim for
2 negligence.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2466YH (2) 84
rh/nh



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1 1 Section 1. NEW SECTION. 613.16A Parental waiver of
1 2 liability on behalf of minor child.
1 3 A parent of a minor child may, on behalf of the parent's
1 4 minor child, waive such minor child's prospective claim for
1 5 negligence. However, any waiver by a parent of a minor child's
1 6 prospective claim against a person or entity for willful,
1 7 reckless, or grossly negligent behavior shall be void and
1 8 unenforceable.

1 9 EXPLANATION

1 10 This bill provides that a parent may, on behalf of the
1 11 parent's minor child, release or waive such minor child's
1 12 prospective claim for negligence as long as the claim does not
1 13 involve willful, reckless, or grossly negligent behavior.

1 14 In Galloway v. State (No. 08=0776, filed November 5, 2010),
1 15 the Iowa Supreme Court concluded that preinjury releases
1 16 executed by parents waiving prospective personal injury claims
1 17 of their minor children violate public policy and are therefore
1 18 unenforceable.

LSB 2466YH (2) 84

rh/nh



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House File 354 - Introduced

HOUSE FILE
BY WATTS

A BILL FOR

1 An Act requiring the verification of lawful immigration status
2 to receive funds through the federal low-income home energy
3 assistance program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2427YH (1) 84
je/rj



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1 1 Section 1. NEW SECTION. 216A.102A Immigration status
1 2 verification for low=income home energy assistance program.
1 3 1. The department of human rights shall participate in
1 4 the systematic alien verification for entitlements program
1 5 established by United States citizenship and immigration
1 6 services in order to verify the eligibility of each person
1 7 seeking funds pursuant to the federal low=income home energy
1 8 assistance program.
1 9 2. Unless otherwise required by federal law, funds from the
1 10 federal low=income home energy assistance program shall not
1 11 be awarded to a household unless at least one member of the
1 12 household is a United States citizen or lawfully present in the
1 13 United States.
1 14 EXPLANATION
1 15 This bill directs the department of human rights to
1 16 participate in the systematic alien verification for
1 17 entitlements (SAVE) program established by United States
1 18 citizenship and immigration services in order to verify the
1 19 eligibility of each person seeking funds through the federal
1 20 low=income home energy assistance program. The bill prohibits
1 21 the department from awarding funds from the program to a
1 22 household unless at least one member of the household is a
1 23 United States citizen or lawfully present in the United States,
1 24 unless otherwise required by federal law.

LSB 2427YH (1) 84

je/rj



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House File 355 - Introduced

HOUSE FILE
BY SWEENEY and GRASSLEY

A BILL FOR

1 An Act relating to agriculture, by eliminating certain powers
2 of and requirements administered by the department of
3 agriculture and land stewardship.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1188YH (2) 84
da/nh



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1 1 DIVISION I

1 2 ORGANIC NUTRIENT MANAGEMENT

1 3 Section 1. REPEAL. Sections 161C.5 and 161C.6, Code 2011,
1 4 are repealed.

1 5 Sec. 2. MONEYS IN THE ORGANIC NUTRIENT MANAGEMENT

1 6 FUND. Moneys in the organic nutrient management fund shall be
1 7 retained by the department of agriculture and land stewardship
1 8 for purposes of supporting its soil conservation division for
1 9 the fiscal year beginning July 1, 2011, and ending June 30,
1 10 2012.

1 11 DIVISION II

1 12 CONTROL OF PATHOGENIC VIRUSES IN POULTRY

1 13 Sec. 3. Section 165B.2, subsection 1, Code 2011, is amended
1 14 to read as follows:

1 15 1. a. The provisions of this chapter, including
1 16 departmental rules adopted pursuant to this chapter, shall be
1 17 administered and enforced by the department. ~~The department~~
~~1 18 shall establish, by rule, civil penalties which may be~~
~~1 19 administratively or judicially assessed. The department~~
~~1 20 may impose, assess, and collect the civil penalties. The~~
1 21 attorney general or county attorney may bring a judicial action
1 22 or prosecution necessary to enforce the provisions of this
1 23 chapter.

1 24 b. The department shall retain moneys from civil
1 25 penalties that it collects under this chapter. The moneys
1 26 are appropriated to the department for the administration and
1 27 enforcement of this chapter. Notwithstanding section 8.33,
1 28 such moneys shall not revert, but shall be retained by the
1 29 department for the purposes described in this paragraph. ~~The~~
~~1 30 department shall submit a report to the chairpersons of the~~
~~1 31 joint appropriations subcommittee on agriculture and natural~~
~~1 32 resources by January 5 of each year. The report shall state,~~
~~1 33 at a minimum, the total amount of moneys collected during the~~
~~1 34 past calendar year and describe how these moneys were expended.~~

1 35 DIVISION III



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2 1 BULK DRY ANIMAL NUTRIENT PRODUCTS

2 2 Sec. 4. Section 200A.10, subsection 3, Code 2011, is amended
2 3 by striking the subsection.

2 4 DIVISION IV

2 5 AGRICULTURAL REMEDIATION

2 6 Sec. 5. Section 455B.601, subsection 2, Code 2011, is
2 7 amended to read as follows:

2 8 2. This section is applicable to a site upon which
2 9 contamination has been discovered, unless ~~one of the following~~
~~2 10 applies:~~

2 11 ~~a. Remediation~~ remediation on the site has already been
2 12 approved by the department and implemented.

2 13 ~~b. A responsible person has executed a remediation agreement~~
~~2 14 with the agrichemical remediation board and the responsible~~
~~2 15 person is remediating or has remediated the site pursuant to a~~
~~2 16 plan of remediation as provided in chapter 161.~~

2 17 Sec. 6. PAYMENT OF OUTSTANDING CLAIMS. The executive
2 18 council shall allocate moneys, from moneys in the general fund
2 19 of the state which are not otherwise obligated or encumbered,
2 20 for the payment of any outstanding claim for the remediation of
2 21 a contaminated site as provided in chapter 161 as that chapter
2 22 existed when the agrichemical remediation board executed a
2 23 remediation agreement with the claimant. The executive council
2 24 shall pay the claimant the same amount in the same manner as
2 25 the agrichemical remediation board would have paid the claimant
2 26 from the agrichemical remediation fund.

2 27 Sec. 7. REPEAL. Chapter 161, Code 2011, is repealed.

2 28 DIVISION V

2 29 SWINE DEALER LICENSING

2 30 Sec. 8. Section 163.30, subsection 3, paragraph c, Code
2 31 2011, is amended to read as follows:

2 32 c. Each employee or agent doing business by buying for
2 33 resale, selling, or exchanging feeder swine in the name of
2 34 a licensed dealer shall be required to secure a permit ~~and~~
~~2 35 identification card~~ issued by the department showing the



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3 1 person is employed by or represents a licensed dealer. All
3 2 such permits ~~and identification cards~~ shall be issued upon
3 3 application forms furnished by the department at a cost of
3 4 three dollars per annum, and shall expire on the first day of
3 5 July following the date of issue.

3 6 EXPLANATION

3 7 GENERAL. This bill relates to agriculture and specifically
3 8 the authority of the department of agriculture and land
3 9 stewardship (DALs) to administer and enforce a number of
3 10 statutory provisions.

3 11 DIVISION I ==== ORGANIC NUTRIENT MANAGEMENT. The bill
3 12 eliminates the organic nutrient management fund (Code section
3 13 161C.5) used to support the organic nutrient management
3 14 program (Code section 161C.6), which the bill also eliminates.
3 15 The fund and the program are administered by DALs' soil
3 16 conservation division. The purpose of the fund and program
3 17 is to provide financial incentives to establish livestock
3 18 manure management systems in order to facilitate the proper
3 19 utilization of livestock manure, and to protect the water
3 20 resources of the state from livestock manure runoff. The fund
3 21 has a balance of less than \$20, which is to be retained by the
3 22 division.

3 23 DIVISION II ==== CONTROL OF PATHOGENIC VIRUSES IN POULTRY.
3 24 The bill eliminates provisions in Code section 165B.2 which
3 25 authorize DALs to regulate certain viruses affecting poultry,
3 26 including avian paramyxovirus, commonly referred to as
3 27 Newcastle disease, and avian influenza (defined as pathogenic
3 28 viruses). Specifically, the bill eliminates a provision which
3 29 authorizes DALs to adopt rules for the establishment of civil
3 30 penalties which may be administratively or judicially assessed.
3 31 The bill does not amend other statutory provisions which
3 32 provide DALs with similar authority to regulate the prevention
3 33 and control of pathogenic viruses. DALs may adopt rules for
3 34 civil penalties under Code chapter 163 which may also be
3 35 administratively or judicially assessed (Code section 163.61),



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4 1 and may continue to provide civil penalties for certain
4 2 violations of Code chapter 165B (Code sections 165B.4 and
4 3 165B.5).

4 4 DIVISION III ==== BULK DRY ANIMAL NUTRIENT PRODUCTS. The bill
4 5 eliminates a provision in Code chapter 200A which provides for
4 6 the regulation of bulk dry animal nutrient (manure) products.
4 7 Specifically, the eliminated provision allows DALs to enter
4 8 onto public or private premises in order to conduct laboratory
4 9 examinations to determine if such products comply with the Code
4 10 chapter's standards (Code section 200A.10(3)).

4 11 DIVISION IV ==== AGRICULTURAL REMEDIATION. The bill
4 12 eliminates Code chapter 161 providing for agrichemical
4 13 remediation. An "agrichemical" is defined as a fertilizer
4 14 or pesticide (Code section 161.2). The Code chapter is
4 15 administered by an agrichemical remediation board (Code
4 16 section 161.3) which is responsible for executing remediation
4 17 agreements with persons and carrying out a plan to remediate
4 18 a contaminated site (Code section 161.8). The board is
4 19 also responsible for the payment of claims associated with
4 20 remediation costs (Code section 161.9). The payment of claims
4 21 is supported by available moneys in an agricultural remediation
4 22 fund. In 2009, Senate File 467 (2009 Iowa Acts, chapter 175,
4 23 section 4) appropriated all unobligated or unencumbered moneys
4 24 from the fund to support DALs. The bill requires the executive
4 25 council to satisfy any outstanding claims against the fund.

4 26 DIVISION V ==== SWINE DEALER LICENSING ==== IDENTIFICATION CARD.
4 27 The bill eliminates a provision that requires persons employed
4 28 or acting on behalf of a licensed feeder swine dealer to obtain
4 29 an identification card issued by the department.

LSB 1188YH (2) 84
da/nh



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House File 356 - Introduced

HOUSE FILE
BY ALONS

A BILL FOR

1 An Act requiring applicants for and participants in certain
2 public assistance programs administered by the department of
3 human services to participate in a substance abuse screening
4 program.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2327YH (3) 84
jp/nh



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1 1 Section 1. NEW SECTION. 217.14 Public assistance programs
1 2 ==== substance abuse screening.
1 3 1. For the purposes of this section, unless the context
1 4 otherwise requires:
1 5 a. "Department" means the department of human services.
1 6 b. "Public assistance program" means the food assistance
1 7 program food programs under chapter 234, the family investment
1 8 program under chapter 239B, or the medical assistance program
1 9 under chapter 249A.
1 10 c. "Substance abuse screening program" or "screening program"
1 11 means the substance abuse screening program administered
1 12 pursuant to this section.
1 13 2. As a condition of eligibility for an adult applicant
1 14 or adult participant to receive public assistance program
1 15 benefits, the applicant or participant shall, if not otherwise
1 16 prohibited by state or federal law, agree to participate in the
1 17 substance abuse screening program.
1 18 3. The department shall design and implement a substance
1 19 abuse screening program for adult applicants for and adult
1 20 participants in public assistance programs. To the extent
1 21 authorized under applicable federal requirements, the program
1 22 shall include but is not limited to all of the following
1 23 elements:
1 24 a. Periodic screening of the applicant's or participant's
1 25 blood or urine for the presence of a controlled substance.
1 26 b. A blood or urine screening is performed prior to the
1 27 applicant's initial receipt of public assistance.
1 28 c. A subsequent blood or urine screening of a participant is
1 29 performed at least annually with random assignment of a month
1 30 in which the participant is required to submit to the screening
1 31 upon receipt of notice from the department.
1 32 d. The results of the blood or urine screening shall not be
1 33 admissible in any criminal proceeding without the consent of
1 34 the person subject to the screening.
1 35 e. Provision for the cost of the blood or urine screening to



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2 1 be deducted from the public assistance program benefits payable
2 2 to the applicant or participant.
2 3 f. Other design, operation, and standards provisions adopted
2 4 in rule to ensure the program is implemented in a fair and
2 5 economical manner.
2 6 4. An adult applicant or adult participant shall be
2 7 ineligible for public assistance program benefits if any of the
2 8 following is applicable:
2 9 a. The applicant or participant does not participate in the
2 10 substance abuse screening program.
2 11 b. The applicant or participant tests positive in a
2 12 substance abuse test administered under the screening program
2 13 for the presence of either of the following:
2 14 (1) A substance listed in schedule I under section 124.204.
2 15 (2) A substance listed in schedule II, III, or IV under
2 16 chapter 124 that was not prescribed for the applicant or
2 17 participant.

2 18 EXPLANATION

2 19 This bill requires applicants and participants in certain
2 20 public assistance programs administered by the department of
2 21 human services to participate in a substance abuse screening
2 22 program.
2 23 New Code section 217.14 defines "public assistance program"
2 24 to mean the food assistance program or food programs under Code
2 25 chapter 234, the family investment program under Code chapter
2 26 239B, or the medical assistance (Medicaid) program under Code
2 27 chapter 249A.
2 28 An applicant or participant for a public assistance program
2 29 is required as a condition of eligibility for the program,
2 30 unless prohibited by state or federal law, to participate
2 31 in the substance abuse screening program created by the
2 32 department pursuant to the bill to the extent authorized under
2 33 federal law. An applicant is subject to a blood or urine
2 34 screening prior to initial receipt of public assistance and at
2 35 least annually while receiving assistance. The results of a



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3 1 screening are not admissible in any criminal proceeding without
3 2 the consent of the person subject to the screening. The cost
3 3 of the blood or urine screening is to be deducted from the
3 4 public assistance program benefits payable to the applicant or
3 5 participant. Other design, operation, and standards provisions
3 6 are required to be adopted in rule to ensure the program is
3 7 implemented in a fair and economical manner.
3 8 An applicant or participant is ineligible for public
3 9 assistance program benefits for failure to participate in the
3 10 substance abuse screening program or for testing positive in a
3 11 substance abuse test administered under the screening program
3 12 for the presence of either of the following: a substance
3 13 listed in schedule I under Code section 124.204 or for a
3 14 substance listed in schedule II, III, or IV under Code chapter
3 15 124 that was not prescribed for the applicant or participant.

LSB 2327YH (3) 84

jp/nh



Iowa General Assembly
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House File 357 - Introduced

HOUSE FILE
BY JORGENSEN

A BILL FOR

1 An Act relating to the powers of city boards of adjustment.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLBSB 2349YH (2) 84
aw/sc



Iowa General Assembly
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February 22, 2011

House File 357 - Introduced continued

PAG LIN

1 1 Section 1. Section 414.12, subsection 3, Code 2011, is
1 2 amended to read as follows:
1 3 3. To authorize upon appeal in specific cases such variance
1 4 from the terms of the ordinance as will not be contrary to
1 5 the public interest, and, under the circumstances appealed
1 6 from, will better carry out the intent of the ordinance and
1 7 comprehensive plan than strict adherence to the ordinance
1 8 in instances where ~~owing to special conditions~~ a literal
1 9 enforcement of the height, bulk, or area provisions of the
1 10 ordinance will result in practical difficulties, or in the
1 11 case of provisions related to the use of property, when an
1 12 unnecessary hardship, and so such that the spirit of the
~~1 13 ordinance shall be observed and a substantial justice done~~
~~1 14 injustice would occur as a result of strict adherence to the~~
1 15 ordinance.

1 16 EXPLANATION

1 17 The bill modifies the authority of city boards of adjustment
1 18 to issue variances.

1 19 Current law permits the board of adjustment to grant a
1 20 variance from the ordinance in the event that such a variance
1 21 would not be against the public interest and is necessitated
1 22 by the creation of an unnecessary hardship. Such a variance
1 23 may only be granted in the event that the spirit of the zoning
1 24 ordinance and justice can be maintained.

1 25 The bill would require that a board of adjustment only
1 26 grant a variance when it would not be counter to the public
1 27 interest, and when, under the circumstances appealed from,
1 28 the variance would better carry out the intent of the zoning
1 29 ordinance and the comprehensive plan. In regard to height,
1 30 bulk, and area restrictions, the bill will allow the board to
1 31 authorize a variance where strict compliance would result in
1 32 practical difficulties. In regard to the use of property, the
1 33 bill will allow the board to grant a variance in cases where
1 34 strict compliance with the ordinance would create a substantial
1 35 injustice.

LSB 2349YH (2) 84

aw/sc



Iowa General Assembly
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House File 358 - Introduced

HOUSE FILE
BY SWEENEY

A BILL FOR

1 An Act relating to the definition of off=road utility vehicle
2 and the operation of off=road utility vehicles on public
3 areas and trails designated for all=terrain vehicle use.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2456HH (1) 84
dea/rj



Iowa General Assembly
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House File 358 - Introduced continued

PAG LIN

1 1 Section 1. Section 321I.1, subsection 16, Code 2011, is
1 2 amended to read as follows:

1 3 16. a. "Off=road utility vehicle" means a motorized
1 4 flotation=tire vehicle with not less than four and not more
1 5 than eight low=pressure tires that is limited in engine
1 6 displacement to less than one thousand five hundred cubic
1 7 centimeters and in total dry weight to not more than one
1 8 thousand eight hundred pounds and that has a seat that is of
1 9 bucket or bench design, not intended to be straddled by the
1 10 operator, and a steering wheel or control levers for control,
1 11 including but not limited to a mini dune buggy.

1 12 b. An owner of an off=road utility vehicle may register
1 13 or title an off=road utility vehicle in order to legally
1 14 operate the off=road vehicle on public ice, a designated
1 15 riding area, or a designated riding trail. The operator of an
1 16 off=road utility vehicle is subject to provisions governing
1 17 the operation of all=terrain vehicles in section 321.234A and
1 18 this chapter, but is exempt from the safety instruction and
1 19 certification program requirements of sections 321I.25 and
1 20 321I.26. ~~An operator of an off=road utility vehicle shall not~~
~~1 21 operate the vehicle on a designated riding area or designated~~
~~1 22 riding trail unless the department has posted signage~~
~~1 23 indicating the riding area or trail is open to the operation~~
~~1 24 of off=road utility vehicles.~~ Off=road utility vehicles are
1 25 exempt from the dealer registration and titling requirements
1 26 of this chapter. A motorized vehicle that was previously
1 27 titled or is currently titled under chapter 321 shall not be
1 28 registered or operated as an off=road utility vehicle.

1 29 Sec. 2. Section 321I.14, subsection 4, Code 2011, is amended
1 30 by striking the subsection.

1 31 Sec. 3. Section 805.8B, subsection 2A, paragraph b,
1 32 subparagraph (3), Code 2011, is amended to read as follows:

1 33 (3) For operating violations under section 321I.14,
1 34 subsection 1, paragraphs "a", "e", "f", "g", and "h", and
1 35 subsections 2, 3, ~~4~~, and 5, the scheduled fine is one hundred



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2 1 dollars.

2 2 EXPLANATION

2 3 This bill amends the definition of "off=road utility
2 4 vehicle" to specify that the term includes vehicles known as
2 5 mini dune buggies. An off=road utility vehicle is defined as
2 6 a motorized flotation=tire vehicle with at least four but not
2 7 more than eight low=pressure tires that is limited in engine
2 8 displacement to less than 1,500 cubic centimeters and in total
2 9 dry weight to not more than 1,800 pounds and that has a seat
2 10 that is of bucket or bench design, not intended to be straddled
2 11 by the operator, and a steering wheel or control levers for
2 12 control.

2 13 Under current law, the registration of off=road utility
2 14 vehicles is required if the owner intends to use the vehicle
2 15 on public ice, designated riding areas, or designated riding
2 16 trails. However, off=road utility vehicles are only permitted
2 17 on those designated riding areas and trails where the
2 18 department of natural resources has posted signs indicating
2 19 that the riding area or trail is open to off=road utility
2 20 vehicles.

2 21 This bill removes the restriction on the operation of
2 22 off=road utility vehicles on certain designated riding areas or
2 23 trails, so that a registered off=road utility vehicle may be
2 24 operated on any public riding area or trail designated for the
2 25 operation of all=terrain vehicles.

LSB 2456HH (1) 84

dea/rj



Iowa General Assembly
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House File 359 - Introduced

HOUSE FILE

BY ISENHART, WITTNEBEN,
HUNTER, WINCKLER, and
KAJTAZOVIC

A BILL FOR

1 An Act relating to the public financing for elections to the
2 general assembly, establishing spending limits, making
3 penalties applicable, providing an appropriation and
4 an income tax exemption, and including effective date
5 provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1358HH (9) 84

jr/sc



Iowa General Assembly
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House File 359 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 68A.801 Public financing for
1 2 elections to the Iowa house and senate.
1 3 1. A candidate for election to the Iowa senate or house
1 4 of representatives may, subject to the availability of funds,
1 5 receive equal matching funds from the fair elections fund. The
1 6 match shall equal the sum of all contributions by individuals,
1 7 up to one hundred dollars per individual per election campaign
1 8 period. Funding is available for both the primary and general
1 9 election campaign period.
1 10 a. The maximum amount that can be matched for each election
1 11 period is ten thousand dollars for a candidate for the house of
1 12 representatives and fifteen thousand dollars for the senate.
1 13 b. The primary election campaign period is the period
1 14 beginning ninety days before the primary election and ending
1 15 on the day before the primary election. The general election
1 16 campaign period is the period beginning the day after the
1 17 primary election and ending on the day before the general
1 18 election.
1 19 2. The amount that can be matched does not include the
1 20 monetary value of in-kind contributions.
1 21 3. A candidate is eligible for matching funds for
1 22 contributions received by the candidate or candidate's
1 23 committee during the primary election campaign period and
1 24 October 14 prior to the general election.
1 25 4. Matching funds may be prorated if sufficient funds are
1 26 not available.
1 27 Sec. 2. NEW SECTION. 68A.802 Qualifications.
1 28 1. A candidate for the house of representatives is eligible
1 29 for matching funds from the fair elections fund for the
1 30 primary election campaign period, if opposed, and the general
1 31 election campaign period, if opposed, when the candidate or
1 32 the candidate's committee has received, during either period,
1 33 cash contributions of at least five dollars from one hundred
1 34 fifty or more identified electors who are not related to the
1 35 candidate within the third degree of consanguinity or affinity



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House File 359 - Introduced continued

2 1 and who reside in the district in which the candidate stands
2 2 for election.
2 3 2. A candidate for the senate is eligible for matching funds
2 4 from the fair elections fund for the primary election campaign
2 5 period, if opposed, and the general election campaign period,
2 6 if opposed, when the candidate or the candidate's committee has
2 7 received, during either period, cash contributions of at least
2 8 five dollars from two hundred twenty=five or more identified
2 9 electors who are not related to the candidate within the third
2 10 degree of consanguinity or affinity and who reside in the
2 11 district in which the candidate stands for election.
2 12 Sec. 3. NEW SECTION. 68A.803 Restrictions on campaign fund
2 13 use.
2 14 A candidate for the general assembly receiving matching
2 15 funds from the fair elections fund is subject to the following
2 16 restrictions:
2 17 1. All campaign funds shall be expended directly by
2 18 the candidate or the candidate's committee and may not be
2 19 forwarded to a political committee or candidate's committee of
2 20 a different candidate.
2 21 2. A candidate shall not use any campaign funds or
2 22 in=kind contributions on a communication that refers directly
2 23 or indirectly to the candidate's opponent, unless that
2 24 communication is in response to a communication made by the
2 25 candidate's opponent or made by an independent expenditure that
2 26 refers directly or indirectly to the candidate receiving public
2 27 support.
2 28 3. a. Candidates receiving matching funds are limited to
2 29 spending limits of thirty thousand dollars for each of the
2 30 primary and general election campaign periods for an election
2 31 to the house of representatives and forty=five thousand dollars
2 32 for each of the primary and general election campaign periods
2 33 for an election to the senate. The spending limit includes the
2 34 monetary value of in=kind contributions.
2 35 b. A candidate who is opposed by a person or political



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3 1 committee making an independent expenditure may spend amounts
3 2 exceeding the limit equal to two times the independent
3 3 expenditures as reported to the board. Funds used to respond
3 4 to independent expenditures may be received from any source
3 5 authorized by law.
3 6 Sec. 4. NEW SECTION. 68A.804 Iowa fair elections fund ====
3 7 nature and purposes.
3 8 1. An Iowa fair elections fund is established as a separate
3 9 fund within the office of the state treasurer, under the
3 10 control of the board, for the following purposes:
3 11 a. Providing financing for the election campaigns of
3 12 eligible candidates to the general assembly during primary
3 13 election and general election campaign periods.
3 14 b. Paying for the administrative and enforcement costs of
3 15 the board in relation to this subchapter.
3 16 2. a. The fund shall consist of moneys received pursuant
3 17 to section 68A.805 and moneys appropriated by the general
3 18 assembly. Notwithstanding section 8.33, unencumbered or
3 19 unobligated moneys credited to the fund and, notwithstanding
3 20 section 12C.7, any interest earned on moneys in the fund, as of
3 21 June 30 of any fiscal year shall not revert to the general fund
3 22 of the state but shall remain in the fund and be available for
3 23 expenditure in subsequent years.
3 24 b. Moneys in the fund are appropriated to the board for the
3 25 purposes of subsection 1.
3 26 Sec. 5. NEW SECTION. 68A.805 Funding ==== Iowa fair elections
3 27 fund.
3 28 In addition to any moneys appropriated by the general
3 29 assembly to the Iowa clean elections fund established in
3 30 section 68A.804, the following moneys shall be deposited in the
3 31 fund:
3 32 1. Civil penalties levied by the board against candidates
3 33 for violations of this subchapter.
3 34 2. Voluntary donations made directly to the fund.
3 35 3. Any other sources of revenue designated by the general



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4 1 assembly.

4 2 Sec. 6. NEW SECTION. 68A.806 Powers and procedures.

4 3 The board shall have the following powers and procedures in
4 4 addition to those granted in this chapter and chapter 68B when
4 5 administering this subchapter:

4 6 1. After every primary and general election, the board
4 7 may conduct random audits and investigations to ensure
4 8 compliance with this subchapter. The subjects of audits and
4 9 investigations shall be selected on the basis of impartial
4 10 criteria established by rule.

4 11 2. The board may investigate anonymous complaints. The
4 12 identity of a complainant may be kept confidential if the
4 13 complainant states in the complaint that revealing the identity
4 14 of the complainant could reasonably result in disciplinary
4 15 action or loss of employment.

4 16 3. The board may levy civil penalties for violations of
4 17 this subchapter. Civil penalties levied and collected shall be
4 18 deposited in the Iowa fair elections fund.

4 19 4. The board shall adopt rules pursuant to chapter 17A as
4 20 necessary to administer this subchapter.

4 21 Sec. 7. Section 422.7, Code 2011, is amended by adding the
4 22 following new subsection:

4 23 NEW SUBSECTION. 54. Subtract, to the extent not otherwise
4 24 excluded, up to fifty percent of the amount contributed to the
4 25 fair elections fund pursuant to section 68A.804. The exemption
4 26 is limited to one hundred dollars per individual return and two
4 27 hundred dollars per joint return. The contribution to the fair
4 28 elections fund, for which the exemption is claimed, may be made
4 29 at the same time the tax return is filed.

4 30 Sec. 8. Section 422.35, Code 2011, is amended by adding the
4 31 following new subsection:

4 32 NEW SUBSECTION. 25. Subtract, to the extent not otherwise
4 33 excluded, up to fifty percent of the amount contributed to the
4 34 fair elections fund pursuant to section 68A.804. The exemption
4 35 is limited to five hundred dollars on corporate returns.



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5 1 The contribution to the fair elections fund, for which the
5 2 exemption is claimed, may be made at the same time the tax
5 3 return is filed.

5 4 Sec. 9. APPROPRIATION.

5 5 1. There is appropriated from the general fund of the state
5 6 to the Iowa ethics and campaign disclosure board for deposit in
5 7 the Iowa fair elections fund for the fiscal year beginning July
5 8 1, 2012, and ending June 30, 2013, the following amount, to be
5 9 used for the purposes set out in section 68A.804:

5 10 \$ 2,000,000

5 11 2. It is the intent of the general assembly that, in
5 12 subsequent fiscal years, there be appropriated funds sufficient
5 13 to restore the fund to \$4,000,000 on January 1 in fiscal years
5 14 in which a primary election is held and to restore the fund to
5 15 \$2,000,000 on July 1 in years in which a general election is
5 16 held.

5 17 Sec. 10. EFFECTIVE DATE. This Act takes effect July 1,
5 18 2012.

5 19 EXPLANATION

5 20 This bill provides for public funding for legislative
5 21 election campaigns. The bill provides a dollar=for=dollar
5 22 state match of individual contributions made by electors
5 23 residing in the candidate's district. Funding is available
5 24 for both the primary and general election. The maximum amount
5 25 that can be matched for each election period is \$10,000 for a
5 26 candidate for the house of representatives and \$15,000 for the
5 27 senate.

5 28 To be eligible for funding, a candidate for the house of
5 29 representatives must receive, during the campaign period, cash
5 30 contributions of at least \$5 from 150 or more identified,
5 31 unrelated electors who live in the district. A candidate for
5 32 the senate must receive \$5 from 300 unrelated electors.

5 33 The bill places restrictions on expenditure of campaign
5 34 funds. All campaign funds must be expended directly by
5 35 the candidate or the candidate's committee and may not be



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6 1 forwarded to a political committee or candidate's committee of
6 2 a different candidate. A candidate cannot use any campaign
6 3 funds or in-kind contributions on a communication that refers
6 4 directly or indirectly to the candidate's opponent, unless
6 5 that communication is in response to a communication made by
6 6 the candidate's opponent or made pursuant to an independent
6 7 expenditure.

6 8 Candidates receiving matching funds are limited to
6 9 spending limits of \$30,000 for each of the primary and general
6 10 election campaign periods for an election to the house of
6 11 representatives and \$45,000 for each of the primary and general
6 12 election campaign periods for an election to the senate.

6 13 As provided in Code section 68A.701, a willful violation
6 14 of any provision of the campaign finance chapter is a serious
6 15 misdemeanor punishable by confinement for not more than one
6 16 year and a fine of at least \$315 but not more than \$1,875. A
6 17 variety of civil remedies are also available in Code section
6 18 68B.32D for a violation of Code chapter 68A or rules of the
6 19 ethics and campaign disclosure board, ranging from a reprimand
6 20 to a civil penalty of not more than \$2,000.

6 21 The bill creates an Iowa fair elections fund, controlled
6 22 by the Iowa ethics and campaign disclosure board. The bill
6 23 establishes a separate, nonreverting fund in the state treasury
6 24 for the Iowa fair elections fund, and provides sources of
6 25 revenue.

6 26 The bill creates an individual and corporate tax exemption
6 27 for contributions to the fund.

6 28 The bill appropriates \$2 million in FY 2012=2013 to the
6 29 Iowa fair elections fund. For subsequent fiscal years, the
6 30 bill provides that it is the intent of the general assembly to
6 31 appropriate sufficient funds to restore the fund to \$4 million
6 32 on January 1 in years in which a primary election is held and
6 33 to restore the fund to \$2 million on July 1 in years in which a
6 34 general election is held.

6 35 The bill has an effective date of July 1, 2012.

LSB 1358HH (9) 84

jr/sc



Iowa General Assembly
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House File 360 - Introduced

HOUSE FILE
BY COWNIE

A BILL FOR

1 An Act eliminating the referendum requirement for the licensing
2 of gambling games.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2228YH (1) 84
aw/sc



Iowa General Assembly
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House File 360 - Introduced continued

PAG LIN

1 1 Section 1. Section 99F.4A, subsection 8, paragraph a, Code
1 2 2011, is amended to read as follows:
1 3 a. The commission shall, upon the immediate payment
1 4 of the applicable table games license fee and submission
1 5 to the commission by June 1, 2005, of an application by a
1 6 licensee of a pari-mutuel dog or horse racetrack licensed to
1 7 conduct gambling games at a pari-mutuel racetrack enclosure,
1 8 issue a license to the licensee to conduct table games of
1 9 chance, including video machines that simulate table games
1 10 of chance, at the pari-mutuel racetrack enclosure subject to
1 11 the requirements of this subsection. However, a table games
1 12 license may only be issued to a licensee required to pay a
1 13 table games license fee of three million dollars under this
1 14 subsection if the licensee, and all other licensees of an
1 15 excursion gambling boat in that county, file an agreement
1 16 with the commission authorizing the granting of a table games
1 17 license under this subsection and permitting all licensees
1 18 of an excursion gambling boat to operate a moored barge as
1 19 of a specific date. The licensee shall be granted a table
1 20 games license by the commission ~~without conducting a separate~~
~~1 21 referendum authorizing table games~~ upon payment of the
1 22 applicable license fee to the commission which table games
1 23 license fee may be offset by the licensee against taxes imposed
1 24 on the licensee by section 99F.11, to the extent of twenty
1 25 percent of the table games license fee paid pursuant to this
1 26 subsection for each of five consecutive fiscal years beginning
1 27 with the fiscal year beginning July 1, 2008. Fees paid
1 28 pursuant to this subsection are not refundable to the licensee.
1 29 A licensee shall not be required to pay a fee to renew a table
1 30 games license issued pursuant to this subsection. Moneys
1 31 collected by the commission from a table games license fee paid
1 32 under this subsection shall be deposited in the rebuild Iowa
1 33 infrastructure fund created in section 8.57.
1 34 Sec. 2. Section 99F.7, subsection 11, Code 2011, is amended
1 35 by striking the subsection.



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House File 360 - Introduced continued

2 1 Sec. 3. Section 99F.7, subsection 15, Code 2011, is amended
2 2 to read as follows:

2 3 15. If a licensed excursion boat stops at more than one
2 4 harbor and travels past a county without stopping at any port
2 5 in that county, the commission shall require the excursion boat
2 6 operator to develop a schedule for ports of call ~~in which a~~
~~2 7 county referendum has been approved, and the port of call has~~
~~2 8 that have the necessary facilities to handle the boat. The~~
2 9 commission may limit the schedule to only one port of call per
2 10 county.

2 11 EXPLANATION

2 12 This bill eliminates the requirement that makes the issuance
2 13 or denial of a gambling license contingent upon the success
2 14 or failure of a referendum. The bill also makes additional
2 15 conforming amendments.

LSB 2228YH (1) 84

aw/sc



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House File 361 - Introduced

HOUSE FILE

BY KAJTAZOVIC, THOMAS,
WILLEMS, ISENHART,
PETERSEN, M. SMITH,
KRESSIG, STECKMAN,
WOLFE, MURPHY, LYKAM,
MASCHER, T. TAYLOR,
McCARTHY, HUNTER,
HEDDENS, HALL,
LENSING,
WESSEL=KROESCHELL,
KEARNS, and MUHLBAUER

A BILL FOR

- 1 An Act creating the red tape commission.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1753HH (1) 84
jr/nh



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House File 361 - Introduced continued

PAG LIN

1 1 Section 1. RED TAPE COMMISSION. A commission of twenty
1 2 members is created to comprehensively review all proposed
1 3 and existing rules and regulations in order to assess the
1 4 effects of such rules and regulations on Iowa's economy and to
1 5 determine whether the resulting burdens on small businesses and
1 6 workers outweigh the intended benefits. The commission shall
1 7 also review the application processes for permits, grants, and
1 8 tax credits to ensure the processes are streamlined.
1 9 1. COMMISSION MEMBERSHIP. The commission shall consist of
1 10 the following members:
1 11 a. The director of the department of natural resources or
1 12 a designee.
1 13 b. The director of the department of economic development
1 14 or a designee.
1 15 c. The director of inspections and appeals or a designee.
1 16 d. The director of public health or a designee.
1 17 e. The director of the department of commerce or a designee.
1 18 f. The director of the department of workforce development
1 19 or a designee.
1 20 g. The director of revenue or a designee.
1 21 h. The director of the department of cultural affairs or a
1 22 designee.
1 23 i. Two small business representatives, to be appointed by
1 24 the governor and to serve at the pleasure of the governor.
1 25 j. Two environmental group representatives, to be appointed
1 26 by the governor and to serve at the pleasure of the governor.
1 27 k. One city representative, to be appointed by the governor
1 28 and to serve at the pleasure of the governor.
1 29 l. One county representative, to be appointed by the
1 30 governor and to serve at the pleasure of the governor.
1 31 m. Two members with expertise in economic development in
1 32 Iowa, to be appointed by the governor and to serve at the
1 33 pleasure of the governor.
1 34 n. Four members of the general assembly serving as
1 35 ex officio, nonvoting members, one representative to be



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House File 361 - Introduced continued

2 1 appointed by the speaker of the house of representatives, one
2 2 representative to be appointed by the minority leader of the
2 3 house of representatives, one senator to be appointed by the
2 4 majority leader of the senate after consultation with the
2 5 president of the senate, and one senator to be appointed by the
2 6 minority leader of the senate.

2 7 2. COMMISSION ORGANIZATION AND OPERATION.

2 8 a. The commission shall select its own chairperson and
2 9 establish its rules of procedure.

2 10 b. By December 1, 2011, the commission shall hold at least
2 11 three public hearings throughout Iowa to listen to the concerns
2 12 of Iowa citizens.

2 13 c. The commission may also meet as deemed necessary by the
2 14 chairperson.

2 15 d. A majority of the members of the commission shall
2 16 constitute a quorum.

2 17 e. Members shall serve without compensation, but may be
2 18 reimbursed for actual expenses.

2 19 f. The department of economic development shall provide
2 20 staff support for the commission.

2 21 3. REPORT. The commission shall submit recommendations
2 22 to the general assembly, the office of lean enterprise, and
2 23 the governor on or before January 15, 2012, identifying rules,
2 24 policies, or procedures for which the negative effects on
2 25 Iowa's economy, on small businesses, and on workers in this
2 26 state outweighs the intended benefits of the rules, policies,
2 27 or procedures.

2 28 4. TERMINATION. The commission shall terminate upon
2 29 submission of its report to the general assembly.

2 30 EXPLANATION

2 31 This bill creates the red tape commission. The commission's
2 32 purpose is to review state law to assess the effects of such
2 33 laws on Iowa's economy and determine whether the resulting
2 34 burdens on small businesses and workers outweigh the intended
2 35 benefits. The commission is to recommend changes in the



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House File 361 - Introduced continued

3 1 laws relating to Iowa's small businesses. This bill defines
3 2 the commission's membership, mandates at least three public
3 3 hearings throughout Iowa, and establishes basic rules for the
3 4 commission.
3 5 The commission terminates upon submission of its report.
LSB 1753HH (1) 84
jr/nh



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February 22, 2011

House File 362 - Introduced

HOUSE FILE
BY SWEENEY

A BILL FOR

1 An Act providing an exemption from commercial vehicle marking
2 requirements for certain vehicles operated intrastate.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2094YH (2) 84
dea/nh



Iowa General Assembly
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House File 362 - Introduced continued

PAG LIN

1 1 Section 1. Section 321.449, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 7A. Rules adopted under this section
1 4 concerning the marking of commercial motor vehicles shall not
1 5 apply to a commercial motor vehicle owned or controlled by a
1 6 farmer and operated intrastate to transport the farmer's own
1 7 agricultural products, farm machinery, or farm supplies to or
1 8 from the farm or, if the farmer assists other farmers through
1 9 an exchange of services, between the farms of the farmers who
1 10 are exchanging services.

1 11 EXPLANATION

1 12 Pursuant to current law, the department of transportation
1 13 has adopted administrative rules for the regulation of
1 14 commercial vehicles which are consistent with federal motor
1 15 carrier safety regulations. Those rules require certain
1 16 commercial motor vehicles to display a U.S. department of
1 17 transportation number on the vehicle, a practice known as
1 18 "marking".

1 19 This bill provides an exemption from marking requirements
1 20 for commercial motor vehicles which are owned or controlled
1 21 by a farmer and operated intrastate to transport agricultural
1 22 products, farm machinery, or farm supplies to or from the farm.
1 23 Vehicles operated between farms by farmers who assist each
1 24 other through an exchange of services are included under the
1 25 exemption.

LSB 2094YH (2) 84
dea/nh



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House File 363 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 256)

A BILL FOR

1 An Act relating to the duties and rulemaking authority of the
2 commission on veterans affairs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1156HV (2) 84
aw/rj



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1 1 Section 1. Section 35A.3, subsection 2, Code 2011, is
1 2 amended to read as follows:
1 3 2. Review and approve, prior to adoption, all proposed
1 4 rules submitted by the department concerning the management
1 5 and operation of the department and programs administered by
1 6 the department. ~~Unless the commission votes to disapprove a~~
1 7 ~~proposed rule on a two-thirds vote at the earlier of the next~~
1 8 ~~regularly scheduled meeting of the commission or a special~~
1 9 ~~meeting of the commission called by the commission within~~
1 10 ~~thirty days of the date the proposed rule is submitted, the~~
1 11 ~~department may proceed to adopt the rule.~~
1 12 Sec. 2. Section 35A.3, Code 2011, is amended by adding the
1 13 following new subsections:
1 14 NEW SUBSECTION. 6. Provide guidance and make
1 15 recommendations to the department during an annual review of
1 16 the department's proposed budget and provide guidance and make
1 17 recommendations for budget changes that occur during the fiscal
1 18 year.
1 19 NEW SUBSECTION. 7. Consult with the department
1 20 regarding certification training for executive directors
1 21 and administrators of county commissions of veteran affairs
1 22 pursuant to section 35B.6.
1 23 Sec. 3. Section 35A.5, subsection 9, Code 2011, is amended
1 24 to read as follows:
1 25 9. After consultation with the commission, provide
1 26 certification training to executive directors and
1 27 administrators of county commissions of veteran affairs
1 28 pursuant to section 35B.6. Training provided under this
1 29 subsection shall include accreditation by the national
1 30 association of county veteran service officers. Training
1 31 provided by the department shall be certified by the national
1 32 association of county veteran service officers and, in
1 33 addition, shall ensure that each executive director and
1 34 administrator is proficient in the use of electronic mail,
1 35 general computer use, and use of the internet to access



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2 1 information regarding facilities, benefits, and services
2 2 available to veterans and their families. The ~~department~~
2 3 commission may adopt rules in accordance with chapter 17A
2 4 to provide for training of county veteran affairs executive
2 5 directors and administrators.
2 6 Sec. 4. Section 35A.5, subsection 12, Code 2011, is amended
2 7 to read as follows:
2 8 12. Adopt rules pursuant to chapter 17A and establish policy
2 9 for the management and operation of the department. Prior to
2 10 adopting rules, the department shall submit proposed rules
2 11 to the commission for review and approval pursuant to the
2 12 requirements of section 35A.3.
2 13 Sec. 5. Section 35A.8, subsection 4, paragraph a, Code 2011,
2 14 is amended to read as follows:
2 15 a. The executive director shall provide for the
2 16 administration of the bonus authorized in this subsection. The
2 17 ~~department~~ commission shall adopt rules, pursuant to chapter
2 18 17A, as necessary to administer this subsection including, but
2 19 not limited to, application procedures, investigation, approval
2 20 or disapproval, and payment of claims.
2 21 Sec. 6. Section 35A.8, subsection 5, paragraph a, Code 2011,
2 22 is amended to read as follows:
2 23 a. The executive director shall provide for the
2 24 administration of the bonus authorized in this subsection. The
2 25 ~~department~~ commission shall adopt rules, pursuant to chapter
2 26 17A, as necessary to administer this subsection including but
2 27 not limited to application procedures, investigation, approval
2 28 or disapproval, and payment of claims.
2 29 Sec. 7. Section 35A.8A, subsection 7, Code 2011, is amended
2 30 to read as follows:
2 31 7. The executive director of the department of veterans
2 32 affairs shall provide for the administration of the bonus
2 33 authorized in this section. The ~~department~~ commission
2 34 shall adopt rules, pursuant to chapter 17A, as necessary
2 35 to administer this section including but not limited to



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3 1 application procedures, investigation, approval or disapproval,
3 2 and payment of claims. The ~~department~~ commission may expend
3 3 up to one percent of the moneys appropriated for the bonus
3 4 compensation authorized under this section for administrative
3 5 costs associated with the requirements of this section.

3 6 Sec. 8. Section 35A.13, subsection 5, Code 2011, is amended
3 7 to read as follows:

3 8 5. It is the intent of the general assembly that beginning
3 9 with the fiscal year beginning July 1, 2008, appropriations
3 10 be made annually to the veterans trust fund. Prior to any
3 11 additional appropriations to this fund, the ~~department~~
3 12 commission shall provide the general assembly with information
3 13 identifying immediate and long-term veteran services throughout
3 14 the state and a plan for delivering those services.

3 15 Sec. 9. Section 35A.13, subsection 9, Code 2011, is amended
3 16 by striking the subsection.

3 17 Sec. 10. Section 35A.14, subsection 5, unnumbered paragraph
3 18 1, Code 2011, is amended to read as follows:

3 19 The ~~department~~ commission shall adopt rules governing the
3 20 distribution of grants under this section in accordance with
3 21 the following:

3 22 Sec. 11. Section 35A.17, subsection 4, Code 2011, is amended
3 23 to read as follows:

3 24 4. The ~~department~~ commission shall adopt rules, pursuant
3 25 to chapter 17A, deemed necessary for the administration of the
3 26 county commission of veteran affairs training program.

3 27 Sec. 12. Section 36.8, Code 2011, is amended to read as
3 28 follows:

3 29 36.8 Rules.

3 30 The ~~department~~ commission shall adopt rules pursuant to
3 31 chapter 17A to implement this chapter.

3 32 Sec. 13. Section 36.9, Code 2011, is amended to read as
3 33 follows:

3 34 36.9 Appropriations.

3 35 This chapter shall be implemented by the ~~department~~



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~~4 1~~ ~~commission~~ each fiscal year that appropriations are made to the
4 2 ~~department~~ commission for the implementation.

4 3 EXPLANATION

4 4 This bill makes changes relative to the duties and
4 5 responsibilities of the department of veterans affairs and the
4 6 commission on veterans affairs. The bill requires that the
4 7 commission, upon review of rules proposed by the department,
4 8 approve such rules before adoption by the department.

4 9 The bill specifies that the commission may adopt rules for
4 10 the provision of training to county veteran affairs executive
4 11 directors and administrators. The bill requires that the
4 12 commission consult with the department on such rules. The bill
4 13 also requires the commission to provide certain recommendations
4 14 to the department during annual budget reviews and any changes
4 15 that occur during the fiscal year. The bill further specifies
4 16 that the commission may adopt rules related to veterans
4 17 bonus application procedures, investigations, approvals or
4 18 disapprovals, and payments.

4 19 The bill requires that the commission identify and report
4 20 to the legislature on the short and long-term goals of the
4 21 veterans trust fund, prior to any future appropriations by
4 22 the general assembly. The bill strikes emergency rulemaking
4 23 authority over the veterans trust fund.

4 24 The bill also shifts the authority to adopt rules over the
4 25 injured veterans grant program and the county commission of
4 26 veteran affairs training program to the commission from the
4 27 department.

4 28 The bill further shifts the authority to adopt rules to the
4 29 commission from the department for issues regarding medical
4 30 reporting requirements related to veterans exposed to chemicals
4 31 while serving in the armed forces.

4 32 The bill finally allows the department to propose
4 33 rules regarding policy for the management and operation
4 34 of the department to the commission for the commission's
4 35 consideration.

LSB 1156HV (2) 84

aw/rj



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House File 364 - Introduced

HOUSE FILE
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HSB 49)

A BILL FOR

1 An Act relating to veterans records managed by the department
2 of veterans affairs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1945HV (2) 84
aw/sc



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1 1 Section 1. Section 35A.5, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 14A. Upon receipt of certificate of release
1 4 or discharge from active duty, create a roster of information
1 5 that includes the name of the military member, the member's
1 6 address of record, and the member's county of residence listed
1 7 on the certificate. The department shall, within thirty
1 8 days of receipt of the certificate of release or discharge
1 9 from active duty, provide a copy of the roster to the county
1 10 commission of veteran affairs in each county listed on the
1 11 roster.

1 12 EXPLANATION

1 13 This bill relates to information sharing between the
1 14 department of veterans affairs and county commissions of
1 15 veteran affairs.

1 16 The bill requires that the department of veterans affairs
1 17 provide the appropriate county commission of veteran affairs
1 18 with a roster of information, including the name, address of
1 19 record, and the county of residence of military service members
1 20 discharged from active duty within 30 days of the department
1 21 receiving such notification.

LSB 1945HV (2) 84

aw/sc



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House File 365 - Introduced

HOUSE FILE
BY KLEIN

A BILL FOR

1 An Act providing for the home delivery of alcoholic beverages
2 by retailers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2506YH (2) 84
rn/nh



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1 1 Section 1. NEW SECTION. 123.46A Delivery of alcoholic
1 2 beverages by retailers.
1 3 1. Licensees and permittees authorized to sell alcoholic
1 4 liquor, wine, or beer in original unopened containers for
1 5 consumption off the licensed premises may deliver alcoholic
1 6 liquor, wine, or beer to a home or other designated location in
1 7 this state. Deliveries shall be limited to alcoholic beverages
1 8 authorized by the licensee's or permittee's license or permit.
1 9 2. All deliveries of alcoholic liquor, wine, or beer shall
1 10 be subject to the following requirements and restrictions:
1 11 a. Payment for the alcoholic liquor, wine, or beer shall be
1 12 received on the licensed premises at the time of order.
1 13 b. Alcoholic liquor, wine, or beer delivered to a person
1 14 shall be for personal use and not for resale.
1 15 c. Deliveries shall only be made to persons in this state
1 16 who are twenty=one years of age or older.
1 17 d. Deliveries shall not be made to a person who is
1 18 intoxicated or is simulating intoxication.
1 19 e. Deliveries shall occur during the hours in which
1 20 alcoholic liquor, wine, or beer may be lawfully sold.
1 21 f. Delivery of alcoholic liquor, wine, or beer shall be made
1 22 by the licensee or permittee, or the licensee's or permittee's
1 23 employee, and not by a third party.
1 24 g. Delivery personnel shall be eighteen years of age or
1 25 older.
1 26 h. Deliveries shall be made in a vehicle owned, leased, or
1 27 under the control of the licensee or permittee.
1 28 i. Valid proof of the recipient's identity and age shall
1 29 be obtained at the time of delivery, and the signature of a
1 30 person twenty=one years of age or older shall be obtained as a
1 31 condition of delivery.
1 32 j. Licensees and permittees shall maintain records
1 33 of deliveries which include the quantity delivered, the
1 34 recipient's name and address, and the signature of the
1 35 recipient of the alcoholic liquor, wine, or beer. The records



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2 1 shall be maintained on the licensed premises for a period of
2 2 three years.

2 3 3. A violation of this section or any other provision of
2 4 this chapter shall subject the licensee or permittee to the
2 5 penalty provisions of section 123.39.

2 6 4. Nothing in this section shall impact the direct shipment
2 7 of wine as regulated by section 123.187.

2 8 EXPLANATION

2 9 This bill authorizes the home delivery of alcoholic
2 10 beverages by retailers.

2 11 The bill provides that a licensee or permittee authorized
2 12 to sell liquor, wine, or beer in original unopened containers
2 13 for consumption off the licensed premises may deliver it to a
2 14 home or other designated location in Iowa. Deliveries shall be
2 15 limited to alcoholic beverages authorized by the licensee's or
2 16 permittee's license or permit.

2 17 The bill states that deliveries shall be subject to several
2 18 requirements and restrictions. Specifically, payment for
2 19 the liquor, wine, or beer shall be received on the licensed
2 20 premises at the time of order; liquor, wine, or beer shall be
2 21 for personal use and not for resale; deliveries shall only
2 22 be made to persons in this state who are 21 or older; and
2 23 deliveries shall not be made to a person who is intoxicated or
2 24 is simulating intoxication. Additionally, deliveries shall
2 25 occur during the hours in which liquor, wine, or beer may be
2 26 lawfully sold and shall be made by the licensee or permittee,
2 27 or the licensee's or permittee's employee. Delivery personnel
2 28 are required to be 18 or older. Further, deliveries shall
2 29 be made in a vehicle owned, leased, or under the control of
2 30 the licensee or permittee, valid proof of the recipient's
2 31 identity and age shall be obtained at the time of delivery and
2 32 the signature of an adult shall be obtained as a condition
2 33 of delivery, and licensees and permittees are required to
2 34 maintain records of deliveries which include the quantity
2 35 delivered, recipient's name and address, and the signature of



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House File 365 - Introduced continued

3 1 the recipient of the liquor, wine, or beer.
3 2 The bill states that these records shall be maintained on
3 3 the licensed premises for a period of three years, and that
3 4 the bill's provisions do not impact provisions regulating the
3 5 direct shipment of wine in Code section 123.187.
3 6 The bill provides that a violation of the bill's provisions,
3 7 or any other provision of Code chapter 123, shall subject the
3 8 licensee's or permittee's license or permit to the penalty
3 9 provisions of Code section 123.39, which include possible
3 10 suspension or revocation and a civil penalty not to exceed
3 11 \$1,000 per violation.
LSB 2506YH (2) 84
rn/nh



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House File 366 - Introduced

HOUSE FILE
BY SWEENEY

A BILL FOR

1 An Act relating to the sale of child restraint systems and
2 making a penalty applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2396HH (3) 84
dea/rj



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1 1 Section 1. NEW SECTION. 321.447 Sales of child restraint
1 2 systems.

1 3 1. For the purposes of this section, the following
1 4 definitions apply:

1 5 a. "At retail" means to sell a child restraint system to a
1 6 person who will devote it to a consumer use.

1 7 b. "Child restraint system" means the same as defined in
1 8 section 321.446.

1 9 c. "Used child restraint system" means a child restraint
1 10 system which has been sold at retail in this or any other
1 11 state.

1 12 2. A child restraint system sold in this state shall bear
1 13 the manufacturer's label showing the make, model, and date of
1 14 manufacture, and shall be accompanied by the manufacturer's
1 15 instruction manual.

1 16 3. A person shall not sell any of the following:

1 17 a. A used child restraint system or parts of a used child
1 18 restraint system.

1 19 b. A child restraint system that is damaged, except for
1 20 cosmetic damage.

1 21 c. A child restraint system with a missing part, including
1 22 but not limited to a locking clip, latch belt, or harness
1 23 retainer.

1 24 d. A child restraint system beyond the manufacturer's
1 25 expiration date or more than six years past the date of
1 26 manufacture.

1 27 e. A child restraint system with an expired warranty.

1 28 f. A child restraint system for which the manufacturer has
1 29 issued a recall.

1 30 EXPLANATION

1 31 This bill imposes restrictions on the sale of child
1 32 restraint systems. Pursuant to current law relating to child
1 33 safety in motor vehicles, "child restraint system" means a
1 34 specially designed seating system, including a belt-positioning
1 35 seat or a booster seat, that meets federal motor vehicle safety



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2 1 standards. The bill defines "used child restraint system" as a
2 2 system which has been sold at retail.

2 3 The bill requires that a child restraint system sold in this
2 4 state must bear the manufacturer's label showing the make,
2 5 model, and date of manufacture, and must be accompanied by the
2 6 manufacturer's instruction manual.

2 7 The bill prohibits the sale of used child restraint systems
2 8 or parts of used child restraint systems in this state. The
2 9 bill also prohibits the sale of a child restraint system that
2 10 is damaged, except for cosmetic damage; a system with missing
2 11 parts; a system that has passed the manufacturer's expiration
2 12 date or is more than six years past the date of manufacture;
2 13 a system with an expired warranty; or a system for which the
2 14 manufacturer has issued a recall.

2 15 Pursuant to current law, unless another penalty is
2 16 specified, a violation of a motor vehicle provision is a simple
2 17 misdemeanor. A simple misdemeanor is punishable by confinement
2 18 for no more than 30 days or a fine of at least \$65 but not more
2 19 than \$625 or by both.

LSB 2396HH (3) 84

dea/rj



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House File 367 - Introduced

HOUSE FILE
BY CHAMBERS

A BILL FOR

1 An Act relating to the operation of all-terrain vehicles in
2 cities of a certain size, providing registration fees, and
3 making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2424YH (5) 84
dea/nh



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1 1 Section 1. Section 321.20B, subsection 6, Code 2011, is
1 2 amended to read as follows:
1 3 6. This section does not apply to a snowmobile or
1 4 all=terrain vehicle, except an all=terrain vehicle operated
1 5 as provided in section 321.234A, subsection 2, or to a motor
1 6 vehicle identified in section 321.18, subsections 1 through 6,
1 7 and subsection 8.
1 8 Sec. 2. Section 321.105A, subsection 2, paragraph c, Code
1 9 2011, is amended by adding the following new subparagraph:
1 10 NEW SUBPARAGRAPH. (31) An all=terrain vehicle, if sales
1 11 tax on the all=terrain vehicle was paid by the owner when the
1 12 all=terrain vehicle was purchased.
1 13 Sec. 3. Section 321.109, subsection 1, paragraph a, Code
1 14 2011, is amended to read as follows:
1 15 a. The annual fee for all motor vehicles including vehicles
1 16 designated by manufacturers as station wagons, 1993 and
1 17 subsequent model year multipurpose vehicles, and 2010 and
1 18 subsequent model year motor trucks with an unladen weight of
1 19 ten thousand pounds or less, except motor trucks registered
1 20 under section 321.122, business=trade trucks, special trucks,
1 21 motor homes, ambulances, hearses, motorcycles, all=terrain
1 22 vehicles, motorized bicycles, and 1992 and older model year
1 23 multipurpose vehicles, shall be equal to one percent of the
1 24 value as fixed by the department plus forty cents for each one
1 25 hundred pounds or fraction thereof of weight of vehicle, as
1 26 fixed by the department. The weight of a motor vehicle, fixed
1 27 by the department for registration purposes, shall include
1 28 the weight of a battery, heater, bumpers, spare tire, and
1 29 wheel. Provided, however, that for any new vehicle purchased
1 30 in this state by a nonresident for removal to the nonresident's
1 31 state of residence the purchaser may make application to the
1 32 county treasurer in the county of purchase for a transit plate
1 33 for which a fee of ten dollars shall be paid. And provided,
1 34 however, that for any used vehicle held by a registered dealer
1 35 and not currently registered in this state, or for any vehicle



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2 1 held by an individual and currently registered in this state,
2 2 when purchased in this state by a nonresident for removal to
2 3 the nonresident's state of residence, the purchaser may make
2 4 application to the county treasurer in the county of purchase
2 5 for a transit plate for which a fee of three dollars shall
2 6 be paid. The county treasurer shall issue a nontransferable
2 7 certificate of registration for which no refund shall be
2 8 allowed; and the transit plates shall be void thirty days
2 9 after issuance. Such purchaser may apply for a certificate
2 10 of title by surrendering the manufacturer's or importer's
2 11 certificate or certificate of title, duly assigned as provided
2 12 in this chapter. In this event, the treasurer in the county
2 13 of purchase shall, when satisfied with the genuineness and
2 14 regularity of the application, and upon payment of a fee of
2 15 twenty dollars, issue a certificate of title in the name and
2 16 address of the nonresident purchaser delivering the title
2 17 to the owner. If there is a security interest noted on the
2 18 title, the county treasurer shall mail to the secured party an
2 19 acknowledgment of the notation of the security interest. The
2 20 county treasurer shall not release a security interest that
2 21 has been noted on a title issued to a nonresident purchaser
2 22 as provided in this paragraph. The application requirements
2 23 of section 321.20 apply to a title issued as provided in this
2 24 subsection, except that a natural person who applies for a
2 25 certificate of title shall provide either the person's social
2 26 security number, passport number, or driver's license number,
2 27 whether the license was issued by this state, another state, or
2 28 another country. The provisions of this subsection relating to
2 29 multipurpose vehicles are effective for all 1993 and subsequent
2 30 model years. The annual registration fee for multipurpose
2 31 vehicles that are 1992 model years and older shall be in
2 32 accordance with section 321.124.
2 33 Sec. 4. Section 321.117, Code 2011, is amended to read as
2 34 follows:
2 35 321.117 Motorcycle, all=terrain vehicle, ambulance, and



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3 1 hearse fees.

3 2 For all motorcycles the annual registration fee ~~shall be~~
~~3 3 is~~ twenty dollars. For all motorized bicycles the annual
3 4 registration fee ~~shall be~~ is seven dollars. When ~~the a~~
3 5 motorcycle is more than five model years old, the annual
3 6 registration fee ~~shall be~~ is ten dollars. The annual
3 7 registration fee for all-terrain vehicles operated under
3 8 section 321.234A, subsection 2, is twenty dollars. The annual
3 9 registration fee for ambulances and hearses ~~shall be~~ is fifty
3 10 dollars. Passenger car plates shall be issued for ambulances
3 11 and hearses.

3 12 Sec. 5. Section 321.166, subsection 1, paragraph a, Code
3 13 2011, is amended to read as follows:

3 14 a. Registration plates shall be of metal and of a size
3 15 not to exceed six inches by twelve inches, except that the
3 16 size of plates issued for use on all-terrain vehicles operated
3 17 under section 321.234A, subsection 2, motorized bicycles,
3 18 motorcycles, motorcycle trailers, and trailers with an empty
3 19 weight of two thousand pounds or less shall be established by
3 20 the department.

3 21 Sec. 6. Section 321.166, subsections 3 and 4, Code 2011, are
3 22 amended to read as follows:

3 23 3. The registration plate number shall be displayed in
3 24 characters which shall not exceed a height of four inches nor a
3 25 stroke width exceeding five-eighths of an inch. Special plates
3 26 issued to dealers shall display the alphabetical character
3 27 "D", which shall be of the same size as the characters in the
3 28 registration plate. The registration plate number issued
3 29 for all-terrain vehicles operated under section 321.234A,
3 30 subsection 2, motorized bicycles, motorcycles, trailers with
3 31 an empty weight of two thousand pounds or less, and motorcycle
3 32 trailers shall be a size prescribed by the department.

3 33 4. The registration plate number, except on all-terrain
3 34 vehicles operated under section 321.234A, subsection 2,
3 35 motorized bicycles, motorcycles, motorcycle trailers, and



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4 1 trailers with an empty weight of two thousand pounds or less,
4 2 shall be of sufficient size to be readable from a distance of
4 3 one hundred feet during daylight.
4 4 Sec. 7. Section 321.234A, Code 2011, is amended to read as
4 5 follows:
4 6 321.234A All=terrain vehicles ==== highway use ==== operation in
4 7 cities.

4 8 1. ~~All=terrain vehicles~~ Except as provided in subsection
4 9 2, an all=terrain vehicle shall not be operated on a highway
4 10 unless one or more of the following conditions apply:
4 11 a. The operation is between sunrise and sunset and is
4 12 incidental to the vehicle's use for agricultural purposes. For
4 13 purposes of this paragraph, "incidental to the vehicle's use
4 14 for agricultural purposes" includes stopping in the course of
4 15 agricultural use to obtain fuel for the all=terrain vehicle or
4 16 to obtain food or a nonalcoholic beverage for the operator.
4 17 b. The operation is incidental to the vehicle's use for the
4 18 purpose of surveying by a licensed engineer or land surveyor.
4 19 c. The all=terrain vehicle is operated by an employee or
4 20 agent of a political subdivision or public utility for the
4 21 purpose of construction or maintenance on or adjacent to the
4 22 highway.
4 23 d. The all=terrain vehicle is operated by an employee or
4 24 agent of a public agency as defined in section 34.1 for the
4 25 purpose of providing emergency services or rescue.
4 26 e. The all=terrain vehicle is operated for the purpose
4 27 of mowing, installing approved trail signs, or providing
4 28 maintenance on a snowmobile trail or all=terrain vehicle trail
4 29 designated by the department of natural resources.
4 30 f. The all=terrain vehicle is operated on a county roadway
4 31 in accordance with section 321I.10, subsection 2, or a city
4 32 street in accordance with section 321I.10, subsection 3.
4 33 2. a. An all=terrain vehicle may be operated on a highway
4 34 within a city with a population of ten thousand or less that
4 35 has authorized such operation pursuant to section 321.246,



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5 1 provided all of the following conditions are met:

5 2 (1) The all=terrain vehicle is registered as a motor vehicle
5 3 under this chapter and bears the license plates required under
5 4 section 321.166.

5 5 (2) The operator of the all=terrain vehicle is at least
5 6 eighteen years of age and possesses a valid driver's license.

5 7 (3) The operator of the all=terrain vehicle is covered by
5 8 an owner's policy of liability insurance or other financial
5 9 liability coverage, as defined in section 321.1, in effect for
5 10 the all=terrain vehicle being operated.

5 11 (4) The all=terrain vehicle is equipped with rear lamps
5 12 and brake lights as described in sections 321.387 and 321.404,
5 13 directional signal devices or lights as described in section
5 14 321.317, and two headlamps that comply with the requirements of
5 15 this chapter.

5 16 b. The motor vehicle laws and penalties applicable to motor
5 17 vehicle operators apply to a person operating an all=terrain
5 18 vehicle registered under this subsection, to the extent
5 19 practically applicable. A violation of a provision of this
5 20 subsection not otherwise punishable under this chapter is
5 21 punishable as a scheduled violation as provided in subsection
5 22 5.

5 23 c. Registration and operation of an all=terrain vehicle
5 24 under this subsection does not constitute an exemption from the
5 25 provisions of chapter 321I.

5 26 ~~2.~~ 3. A person operating an all=terrain vehicle on a
5 27 highway shall have a valid driver's license and the vehicle
5 28 shall be operated at speeds of thirty=five miles per hour or
5 29 less.

5 30 ~~3.~~ 4. An all=terrain vehicle that is owned by the owner
5 31 of land adjacent to a highway, other than an interstate road,
5 32 may be operated by the owner of the all=terrain vehicle, or by
5 33 a member of the owner's family, on the portion of the highway
5 34 right=of=way that is between the shoulder of the roadway, or at
5 35 least five feet from the edge of the roadway, and the owner's



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6 1 property line. A person operating an all=terrain vehicle
6 2 within the highway right=of=way under this subsection shall
6 3 comply with the registration, safety, and age requirements
6 4 under chapter 321I.
6 5 ~~4.~~ 5. A person convicted of a violation of this section
6 6 is guilty of a simple misdemeanor punishable as a scheduled
6 7 violation under section 805.8A, subsection 3.
6 8 Sec. 8. NEW SECTION. 321.246 All=terrain vehicle operation
6 9 in cities.
6 10 A city with a population of ten thousand or less may
6 11 authorize and regulate the operation of all=terrain vehicles on
6 12 streets and highways within the corporate limits of the city,
6 13 subject to the provisions of section 321.234A, subsection 2,
6 14 and consistent with the provisions of this chapter.
6 15 Sec. 9. Section 321.423, subsection 2, paragraph i, Code
6 16 2011, is amended to read as follows:
6 17 i. Modulating headlamps in conformance with 49 C.F.R.
6 18 { 571.108 S7.9.4. are permitted on a motorcycle or on an
6 19 all=terrain vehicle operated pursuant to section 321.234A.
6 20 Sec. 10. Section 321I.9, unnumbered paragraph 1, Code 2011,
6 21 is amended to read as follows:
6 22 Registration under this chapter shall not be required for
6 23 the following described all=terrain vehicles:
6 24 Sec. 11. Section 321I.10, subsection 3, Code 2011, is
6 25 amended to read as follows:
6 26 3. ~~Cities~~ A city with a population of more than ten thousand
6 27 may designate streets under the jurisdiction of ~~cities~~ the city
6 28 within ~~their respective~~ the city's corporate limits which may
6 29 be used for the operation of registered all=terrain vehicles
6 30 or registered off=road utility vehicles. In designating
6 31 such streets, the city may authorize all=terrain vehicles
6 32 and off=road utility vehicles to stop at service stations or
6 33 convenience stores along a designated street.
6 34 EXPLANATION
6 35 This bill modifies the general prohibition on operation of



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House File 367 - Introduced continued

7 1 all=terrain vehicles on public highways by allowing a city with
7 2 a population of 10,000 or less to authorize and regulate the
7 3 operation of all=terrain vehicles within its corporate limits.
7 4 The person operating an all=terrain vehicle in such a city must
7 5 be at least 18 years of age and licensed as a motor vehicle
7 6 driver. The operator must be covered by liability insurance or
7 7 other financial liability coverage in effect for the vehicle
7 8 being operated.

7 9 The all=terrain vehicle must be equipped with turn signals,
7 10 headlamps, rear lamps, and brake lights. The headlamps may be
7 11 modulating headlamps similar to those permitted on motorcycles.
7 12 The vehicle is required to be registered as a motor vehicle
7 13 under Code chapter 321. The all=terrain vehicle must display
7 14 registration plates of a size and design to be established by
7 15 the state department of transportation. The annual fee for
7 16 registration of an all=terrain vehicle as a motor vehicle is
7 17 \$20.

7 18 A person operating an all=terrain vehicle registered as a
7 19 motor vehicle would be subject to the same laws and penalties,
7 20 including scheduled fines, that apply to drivers of other
7 21 motor vehicles. A violation of a provision of law uniquely
7 22 applicable to an all=terrain vehicle registered as a motor
7 23 vehicle, not otherwise punishable as a motor vehicle offense,
7 24 would be a simple misdemeanor punishable by a scheduled fine
7 25 of \$50.

7 26 Registration of an all=terrain vehicle for the purpose of
7 27 operating it on city streets would not exempt the owner from
7 28 the registration and regulation requirements administered by
7 29 the department of natural resources.

7 30 Under current law, counties and cities may designate streets
7 31 under their respective jurisdictions for the operation of
7 32 all=terrain vehicles registered by the department of natural
7 33 resources. The bill retains that authority for counties, but
7 34 modifies the authority for cities by limiting it to cities with
7 35 a population of more than 10,000.



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House File 367 - Introduced continued

8 1 All vehicles subject to registration are subject to a fee
8 2 for new registration in an amount equal to 5 percent of the
8 3 purchase price, which is due when the owner registers the
8 4 vehicle for the first time. The amount is equivalent to the
8 5 amount of sales tax which currently applies for all-terrain
8 6 vehicles. The bill creates an exemption from the fee for new
8 7 registration for an all-terrain vehicle being registered by
8 8 the owner as a motor vehicle if the owner has already paid the
8 9 sales tax for the vehicle.

LSB 2424YH (5) 84

dea/nh



Iowa General Assembly
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House File 368 - Introduced

HOUSE FILE
BY PETTENGILL

A BILL FOR

1 An Act requiring regular reporting by the state board of
2 regents concerning the school for the deaf and the Iowa
3 braille and sight saving school.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2460HH (2) 84
jp/sc



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House File 368 - Introduced continued

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1 1 Section 1. NEW SECTION. 262.94 Reporting concerning school
1 2 for the deaf and Iowa braille and sight saving school.
1 3 When the general assembly is not in regular session, the
1 4 state board of regents shall report monthly to the general
1 5 assembly's standing committees on education and government
1 6 oversight concerning the status of the school for the deaf at
1 7 Council Bluffs and the Iowa braille and sight saving school at
1 8 Vinton. The report shall include any activity by the state
1 9 board, school staff, or the department of management to develop
1 10 a plan, program, or fiscal analysis that is described by or
1 11 would meet the requirements of section 270.10.

1 12 EXPLANATION

1 13 This bill requires regular reporting by the state board of
1 14 regents concerning the status of the school for the deaf and
1 15 the Iowa braille and sight saving school in new Code section
1 16 262.94. The reports are to be made monthly to the general
1 17 assembly's standing committees on education and government
1 18 oversight when the general assembly is not in regular session.
1 19 The report is required to include any activity by the state
1 20 board, school staff, or the department of management to develop
1 21 a plan, program, or fiscal analysis that is described by or
1 22 would meet the requirements of Code section 270.10. Code
1 23 section 270.10 prohibits the state board from merging or
1 24 closing the two schools unless the department of management
1 25 submits to the general assembly a comprehensive plan, program,
1 26 and fiscal analysis, the general assembly considers the
1 27 documents, and legislation is enacted authorizing the merger
1 28 or closing.

LSB 2460HH (2) 84

jp/sc



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House Resolution 13 - Introduced

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HOUSE RESOLUTION NO.

BY SWEENEY

1 1 A Resolution urging support of efforts to improve the
1 2 sustainability of the horse industry.

1 3 WHEREAS, the closing of horse harvesting facilities
1 4 in America has decimated the equine industry, and has
1 5 curtailed the ability of states and tribes to control
1 6 the numbers of excess and abandoned horses on their
1 7 lands; and

1 8 WHEREAS, documented reports indicate an increase
1 9 of four hundred percent in the number of starved,
1 10 abandoned, and neglected horses between 2008 and 2009
1 11 alone; and

1 12 WHEREAS, federal appropriations law contains a
1 13 prohibition on allowing federal dollars to be spent on
1 14 salaries for inspectors who inspect horses before or
1 15 after slaughter, making it impossible for operations
1 16 that want to process horse meat to market this
1 17 meat; and

1 18 WHEREAS, this has resulted in state budget increases
1 19 and taxpayer costs at a time when states cannot afford
1 20 unnecessary expense, and it has severely impacted
1 21 the livestock industry as a whole by eliminating the
1 22 salvage value of horses and significantly reducing the
1 23 market value of all horses; and

1 24 WHEREAS, efforts under way to change the federal
1 25 Taylor Grazing Act of 1934 and the federal Wild
1 26 Free=Roaming Horse and Burro Act of 1971, expand herd
1 27 management areas, or allow the use of federal land for
1 28 privately owned sanctuaries will only exacerbate the



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House Resolution 13 - Introduced continued

2 1 issue; NOW THEREFORE,
2 2 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,
2 3 That the Iowa House of Representatives fully supports
2 4 the restoration and sustainability of the horse
2 5 industry; and
2 6 BE IT FURTHER RESOLVED, That the Iowa House of
2 7 Representatives encourages the United States Department
2 8 of Agriculture, individual states, and concerned
2 9 entities including those concerned with agriculture,
2 10 natural resources, and wildlife conservation to
2 11 support the restoration and sustainability of the horse
2 12 industry; and
2 13 BE IT FURTHER RESOLVED, That state agricultural
2 14 and rural leaders urge the United States Secretary
2 15 of Agriculture and the United States Department of
2 16 Agriculture to continue to make regulatory decisions
2 17 based on sound science; and
2 18 BE IT FURTHER RESOLVED, That a copy of this
2 19 resolution be sent to the Honorable Tom Vilsack, United
2 20 States Secretary of Agriculture; and
2 21 BE IT FURTHER RESOLVED, That a copy of this
2 22 resolution be sent to the Honorable Tom Harkin,
2 23 Chairman of the Agriculture, Nutrition, and
2 24 Forestry Committee of the United States Senate;
2 25 and the Honorable Frank Lucas, Chairman of the
2 26 Committee on Agriculture, United States House of
2 27 Representatives; and
2 28 BE IT FURTHER RESOLVED, That a copy of this
2 29 resolution be sent to the members of Iowa's
2 30 congressional delegation; and



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House Resolution 13 - Introduced continued

3 1 BE IT FURTHER RESOLVED, That a copy of this
3 2 resolution be sent to the chairpersons of the
3 3 agriculture committees in other state legislatures.
LSB 2292HH (4) 84
da/nh



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House Study Bill 132

HOUSE FILE
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to the child abuse registry administered by the
2 department of human services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2686YC (1) 84
jp/nh



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House Study Bill 132 continued

PAG LIN

1 1 Section 1. Section 232.68, subsection 2, paragraph d, Code
1 2 2011, is amended to read as follows:

1 3 d. The failure on the part of a person responsible for the
1 4 care of a child to provide for the adequate food, shelter,
1 5 clothing, supervision, or other care necessary for the child's
1 6 health and welfare when financially able to do so or when
1 7 offered financial or other reasonable means to do so. A parent
1 8 or guardian legitimately practicing religious beliefs who does
1 9 not provide specified medical treatment for a child for that
1 10 reason alone shall not be considered abusing the child, however
1 11 this provision shall not preclude a court from ordering that
1 12 medical service be provided to the child where the child's
1 13 health requires it.

1 14 Sec. 2. Section 232.71D, subsections 2 and 3, Code 2011, are
1 15 amended to read as follows:

1 16 2. If Except as otherwise provided in subsections 3 and 3A,
1 17 if the alleged child abuse meets the definition of child abuse
1 18 under section 232.68, subsection 2, paragraph "a" or "d", and
~~1 19 the department determines the injury or risk of harm to the~~
~~1 20 child was minor and isolated and is unlikely to reoccur,~~ the
1 21 names of the child and the alleged perpetrator of the alleged
1 22 child abuse and any other child abuse information shall ~~not~~
1 23 be placed in the central registry as a case of founded child
1 24 abuse.

1 25 3.a. Unless any of the circumstances listed in paragraph
1 26 "b" are applicable, cases to which any of the following
1 27 circumstances apply shall not be placed on the central
1 28 registry:

1 29 (1) A finding of physical abuse in which the department
1 30 has determined the injury resulting from the abuse was minor,
1 31 isolated, and unlikely to reoccur.

1 32 (2) A finding of abuse by failure to provide proper
1 33 supervision or by failure to provide adequate clothing, in
1 34 which the department has determined the risk from the abuse
1 35 to the child's health and welfare was minor, isolated, and



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2 1 unlikely to reoccur.
2 2 ~~b. Except as otherwise provided in section 232.68,~~
2 3 ~~subsection 2, paragraph "d", regarding parents legitimately~~
2 4 ~~practicing religious beliefs, If any of the following~~
2 5 ~~circumstances apply in addition to those listed in paragraph~~
2 6 ~~"a", the names of the child and the alleged perpetrator of~~
2 7 ~~the alleged child abuse and the report data and disposition~~
2 8 ~~data any other child abuse information shall be placed in the~~
2 9 ~~central registry as a case of founded child abuse under any of~~
2 10 ~~the following circumstances:~~
2 11 ~~a. (1) The case was referred for juvenile or criminal~~
2 12 ~~court action as a result of the acts or omissions of the~~
2 13 ~~alleged perpetrator or a criminal or juvenile court action~~
2 14 ~~was initiated by the county attorney or juvenile court within~~
2 15 ~~twelve months of the date of the department's report concerning~~
2 16 ~~the case, in which the alleged perpetrator was convicted of a~~
2 17 ~~crime involving the child or there was a delinquency or child~~
2 18 ~~in need of assistance adjudication.~~
2 19 ~~b. The department determines the acts or omissions of~~
2 20 ~~the alleged perpetrator meet the definition of child abuse~~
2 21 ~~under section 232.68, subsection 2, paragraph "a", involving~~
2 22 ~~nonaccidental physical injury suffered by the child and the~~
2 23 ~~injury was not minor or was not isolated or is likely to~~
2 24 ~~reoccur.~~
2 25 ~~c. (2) The department determines the acts or omissions~~
2 26 ~~of the alleged perpetrator meet the definition of child~~
2 27 ~~abuse and the department has previously determined within~~
2 28 ~~the eighteen-month period preceding the issuance of the~~
2 29 ~~department's report that the acts or omissions of the alleged~~
2 30 ~~perpetrator in a prior case met the definition of child abuse.~~
2 31 ~~d. The department determines the acts or omissions of the~~
2 32 ~~alleged perpetrator meet the definition of child abuse under~~
2 33 ~~section 232.68, subsection 2, paragraph "b", involving mental~~
2 34 ~~injury.~~
2 35 ~~e. The department determines the acts or omissions meet~~



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~~House Study Bill 132 continued~~

~~3 1 the definition of child abuse under section 232.68, subsection~~
~~3 2 2, paragraph "c", and the alleged perpetrator of the acts or~~
~~3 3 omissions is age fourteen or older. However, the juvenile~~
~~3 4 court may order the removal from the central registry of the~~
~~3 5 name of an alleged perpetrator placed in the registry pursuant~~
~~3 6 to this paragraph who is age fourteen through seventeen upon a~~
~~3 7 finding of good cause. The name of an alleged perpetrator who~~
~~3 8 is less than age fourteen shall not be placed in the central~~
~~3 9 registry pursuant to this paragraph.~~

3 10 f. The department determines the acts or omissions of the
~~3 11 alleged perpetrator meet the definition of child abuse under~~
~~3 12 section 232.68, subsection 2, paragraph "d", involving failure~~
~~3 13 to provide care necessary for the child's health and welfare,~~
~~3 14 and any injury to the child or risk to the child's health and~~
~~3 15 welfare was not minor or was not isolated or is likely to~~
~~3 16 reoccur, in any of the following ways:~~

- 3 17 (1) Failure to provide adequate food and nutrition.
3 18 (2) Failure to provide adequate shelter.
3 19 (3) Failure to provide adequate health care.
3 20 (4) Failure to provide adequate mental health care.
3 21 (5) Gross failure to meet emotional needs.
3 22 (6) Failure to respond to an infant's life-threatening
~~3 23 condition.~~

3 24 g. The department determines the acts or omissions of
~~3 25 the alleged perpetrator meet the definition of child abuse~~
~~3 26 under section 232.68, subsection 2, paragraph "e", involving~~
~~3 27 prostitution.~~

3 28 h. The department determines the acts or omissions of the
~~3 29 alleged perpetrator meet the definition of child abuse under~~
~~3 30 section 232.68, subsection 2, paragraph "f", involving the~~
~~3 31 presence of an illegal drug.~~

3 32 i. (3) The department determines the alleged perpetrator of
3 33 the child abuse will continue to pose a danger to the child who
3 34 is the subject of the report of child abuse or to another child
3 35 with whom the alleged perpetrator may come into contact.



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House Study Bill 132 continued

4 1 Sec. 3. Section 232.71D, Code 2011, is amended by adding the
4 2 following new subsection:

4 3 NEW SUBSECTION. 3A. Cases of alleged child abuse to which
4 4 any of the following circumstances apply shall be placed in the
4 5 central registry as follows:

4 6 a. A finding of sexual abuse in which the alleged
4 7 perpetrator of the abuse is age thirteen or younger. However,
4 8 the name of the alleged perpetrator shall be withheld from the
4 9 registry.

4 10 b. A finding of sexual abuse in which the alleged
4 11 perpetrator of the abuse is age fourteen through seventeen and
4 12 the court has found there is good cause for the name of the
4 13 alleged perpetrator to be removed from the central registry.
4 14 Only the name of the alleged perpetrator shall be removed from
4 15 the registry.

4 16 Sec. 4. Section 235A.18, subsection 3, Code 2011, is amended
4 17 by striking the subsection.

4 18 EXPLANATION

4 19 This bill relates to the child abuse registry administered
4 20 by the department of human services and addresses when founded
4 21 child abuse information is placed in the child abuse registry.

4 22 Code section 232.68, providing definitions of child abuse
4 23 and related terms, is amended. The amendment adds to the
4 24 definition of child abuse by a person responsible for the
4 25 care of a child, the person's failure to provide adequate
4 26 supervision of the child. The definition provision addressed
4 27 by the amendment is commonly referred to as "denial of critical
4 28 care".

4 29 Under current law, denial of critical care is limited to
4 30 failure to provide for the adequate food, shelter, clothing, or
4 31 other care necessary for the child's health and welfare when
4 32 financially able to do so or when offered financial or other
4 33 reasonable means to do so. A parent or guardian legitimately
4 34 practicing religious beliefs who does not provide specified
4 35 medical treatment for a child for that reason alone is not



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5 1 considered abusing the child, however, this exemption does not
5 2 preclude a court from ordering that medical service be provided
5 3 to the child where the child's health requires it. Although
5 4 the religious belief exemption is not affected by the bill, an
5 5 internal reference to it in Code section 232.71D is deleted.
5 6 Code section 232.71D, providing criteria for whether or not
5 7 founded child abuse information is placed on the central child
5 8 abuse registry, is amended. Current law provides a specific
5 9 list of abuses for which there is no discretion and must be
5 10 placed on the registry and describes two types of abuse that
5 11 are not placed on the registry if certain determinations are
5 12 made: nonaccidental physical injury or injury at variance
5 13 with the history of it and the denial of critical care. For
5 14 those two types of abuse, in order not to be placed on the
5 15 registry, the department must determine that the injury or risk
5 16 of harm was minor, isolated, and is unlikely to reoccur.
5 17 The bill removes from Code section 232.71D most of the
5 18 specific provisions requiring registry placement and instead
5 19 provides a specific list of four exemptions that if any of
5 20 the circumstances described in the exemptions are applicable,
5 21 the case of founded child abuse is not placed on the central
5 22 registry. The first exemption listed is similar to the
5 23 exemption in current law: a finding of physical abuse in which
5 24 the department has determined the injury was minor, isolated,
5 25 and unlikely to reoccur. The second exemption narrows the
5 26 denial of critical care exemption in current law to now only
5 27 apply to failure to provide adequate supervision or failure to
5 28 provide adequate clothing, and the department must determine
5 29 that the risk to the child's health and welfare was minor,
5 30 isolated, and unlikely to reoccur. Under the bill, abuse
5 31 resulting from other forms of denial of critical care would
5 32 no longer be exempted from placement on the registry. These
5 33 two exception clauses do not apply if one of the following
5 34 circumstances is also applicable: referral of the case for
5 35 criminal or juvenile court action, the same perpetrator was



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6 1 previously determined to have committed child abuse in a prior
6 2 case that occurred within the preceding 18-month period, or the
6 3 department determines the alleged perpetrator will continue
6 4 to pose a danger to the child involved with this case or to
6 5 another child.

6 6 The third exemption is sexual abuse when the alleged
6 7 perpetrator of the abuse is age 13 or younger. The fourth
6 8 exemption is sexual abuse when the alleged perpetrator is
6 9 age 14 through 17 and the court has determined there is good
6 10 cause for removing the name of the alleged perpetrator from
6 11 the registry. In such cases only the name of the alleged
6 12 perpetrator will be withheld or removed from the registry.

6 13 Subsection 3 of Code section 235A.18, relating to sealing
6 14 and expungement of founded child abuse information from the
6 15 registry, is stricken. The subsection requires the department
6 16 to review cases of child abuse placed in the registry before
6 17 the original effective date of Code section 232.71D of July
6 18 1, 1997. The review is required when the department is
6 19 considering the information while performing a record check
6 20 evaluation under law or administrative rule and when a review
6 21 is indicated under a procedure for performing reviews adopted
6 22 by the department.

LSB 2686YC (1) 84

jp/nh



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House Study Bill 133

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to election recounts.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2551YC (2) 84
sc/rj



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House Study Bill 133 continued

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1 1 Section 1. Section 50.48, subsection 4, paragraphs a and c,
1 2 Code 2011, are amended to read as follows:

1 3 a. When all members of the recount board have been selected,
1 4 the board shall undertake and complete the required recount as
1 5 expeditiously as reasonably possible. The commissioner or the
1 6 commissioner's designee shall supervise the handling of ballots
1 7 to ensure that the ballots are protected from alteration or
1 8 damage. The members of the recount board are the only persons
1 9 authorized to physically touch the ballots during the recount.

1 10 The board members shall open only the sealed ballot containers
1 11 from the precincts specified to be recounted in the request or
1 12 by the recount board. The board members shall recount only
1 13 the ballots which were voted and counted for the office in
1 14 question, including any disputed ballots returned as required
1 15 in section 50.5. If automatic tabulating equipment was used
1 16 to count the ballots, the commissioner or the commissioner's
1 17 designee shall supervise the recount ~~the recount board may request the~~
~~1 18 commissioner to retabulate~~ retabulation of the ballots by the
1 19 recount board members using the automatic tabulating equipment.

1 20 The same program used for tabulating the votes on election day
1 21 shall be used at the recount unless the program is believed or
1 22 known to be flawed.

1 23 c. The ballots shall be resealed by the recount board
1 24 members before adjournment and shall be preserved as required
1 25 by section 50.12. At the conclusion of the recount, the
1 26 recount board shall make and file with the commissioner a
1 27 written report of its findings, which shall be signed by at
1 28 least two members of the recount board. The recount board
1 29 shall complete the recount and file its report not later than
1 30 the eighteenth day following the county board's canvass of the
1 31 election in question.

1 32 EXPLANATION

1 33 This bill provides that the members of a recount board are
1 34 the only persons authorized to physically touch the ballots
1 35 during a recount. The bill applies to recounts for public



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House Study Bill 133 continued

- 2 1 office or nomination to public office and, by operation of law,
- 2 2 public measures.

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sc/rj



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House Study Bill 134

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON COWNIE)

A BILL FOR

1 An Act prohibiting county auditors from providing or appearing
2 to provide certain political endorsements.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2268YC (4) 84
aw/nh



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House Study Bill 134 continued

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1 1 Section 1. Section 331.501, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 2A. A person elected or appointed to the
1 4 office of auditor shall not provide or give the appearance
1 5 of providing an endorsement to any candidate for an elective
1 6 office in a contested primary or general election.

1 7 EXPLANATION

1 8 This bill prohibits county auditors from endorsing or giving
1 9 the appearance of endorsing any candidate for an elective
1 10 office in a contested primary or general election.

LSB 2268YC (4) 84

aw/nh



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House Study Bill 135

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON WAGNER)

A BILL FOR

1 An Act allowing certain cities to adopt and establish an
2 alternative benefits retirement system for police officers
3 and fire fighters.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1676HC (2) 84
aw/sc



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House Study Bill 135 continued

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1 1 Section 1. NEW SECTION. 411.3A Defined contribution
1 2 retirement system ==== local government option.
1 3 1. a. Notwithstanding any other provision of law, each
1 4 city participating in the retirement system for police
1 5 officers and fire fighters, as described in section 411.2,
1 6 shall have the option to adopt and establish, by ordinance,
1 7 an alternative benefits retirement system for police officers
1 8 and fire fighters, in lieu of participation in the retirement
1 9 system for police officers and fire fighters created within
1 10 this chapter. Participation in such an alternative benefits
1 11 retirement system, if adopted, shall be mandatory for all
1 12 applicable employees appointed on or after the effective date
1 13 of the ordinance.
1 14 b. The alternative benefits retirement system shall be
1 15 an employer=sponsored defined contribution plan requiring
1 16 mandatory employer contributions that meet the requirements of
1 17 section 401(a) or section 457 of the Internal Revenue Code.
1 18 2. The city shall select a provider of the alternative
1 19 benefits retirement system that is a financial institution
1 20 capable of providing bundled services for the retirement
1 21 system, including but not limited to administration, investment
1 22 management, employee education, and recordkeeping. In
1 23 selecting a provider, the city shall place primary emphasis on
1 24 the reasonableness of services in relation to cost, the ability
1 25 and experience of the provider in providing bundled retirement
1 26 services to political subdivisions, the financial stability
1 27 of the provider, and the ability of the provider to provide
1 28 services as required by this section.
1 29 3. Upon termination of employment as a police officer or
1 30 fire fighter employed by a city, the police officer or fire
1 31 fighter shall be eligible to receive a benefit payable in at
1 32 least any of the following forms:
1 33 a. Payment of all or part of the police officer's or
1 34 fire fighter's account balance in the alternative benefits
1 35 retirement system in a lump sum.



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2 1 b. Payment based on the police officer's or fire fighter's
2 2 account balance in the alternative benefits retirement system
2 3 in monthly, quarterly, or annual installments over a fixed
2 4 reasonable period of time, not exceeding the life expectancy of
2 5 the police officer or fire fighter and the police officer's or
2 6 fire fighter's beneficiary, if applicable.

2 7 c. Payment based on the police officer's or fire fighter's
2 8 account balance in the form of a single life or joint life and
2 9 survivorship annuity.

2 10 EXPLANATION

2 11 This bill allows a city to adopt and establish, by ordinance,
2 12 a defined contribution retirement plan as an alternative
2 13 benefits retirement system for police officers and fire
2 14 fighters.

2 15 The bill provides that each city participating in the
2 16 statewide fire and police retirement system, created in Code
2 17 chapter 411, may establish an alternative benefits retirement
2 18 system for police officers and fire fighters, in lieu of
2 19 participation in the statewide fire and police retirement
2 20 system.

2 21 The bill requires that such an alternative benefits
2 22 retirement system be an employer-sponsored defined contribution
2 23 plan that meets the requirements of either Code section 401(a)
2 24 or section 457 of the Internal Revenue Code.

2 25 The bill provides that a city must select a provider
2 26 that meets certain requirements related to administration,
2 27 investment management, employee education, and record keeping,
2 28 among other things. The bill also provides certain guidelines
2 29 for the selection of a provider.

LSB 1676HC (2) 84
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House Study Bill 136

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON WAGNER)

A BILL FOR

1 An Act abolishing county compensation boards.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2679YC (1) 84
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1 1 Section 1. Section 331.212, subsection 2, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. i. Setting the compensation schedule of the
1 4 elected county officers.
1 5 Sec. 2. Section 331.321, subsection 1, paragraph 1, Code
1 6 2011, is amended by striking the paragraph.
1 7 Sec. 3. Section 331.322, subsection 6, Code 2011, is amended
1 8 to read as follows:
1 9 6. ~~Review~~ Annually prepare and review the final
1 10 compensation schedule of the county compensation board and
~~1 11 determine the final compensation schedule~~ in accordance with
1 12 section 331.907.
1 13 Sec. 4. Section 331.322, subsection 7, Code 2011, is amended
1 14 by striking the subsection.
1 15 Sec. 5. Section 331.323, subsection 1, paragraph e, Code
1 16 2011, is amended to read as follows:
1 17 e. ~~When~~ If the duties of an officer or employee are assigned
1 18 to one or more elected officers, the board shall set ~~the an~~
1 19 initial salary for each elected officer. ~~Thereafter, the~~
~~1 20 salary and, thereafter, shall be determined~~ determine the
1 21 salary as provided in section 331.907.
1 22 Sec. 6. Section 331.907, subsections 1 through 4, Code 2011,
1 23 are amended to read as follows:
1 24 1. The annual compensation of the auditor, treasurer,
1 25 recorder, sheriff, county attorney, and supervisors shall
1 26 be determined as provided in this section. The ~~county~~
~~1 27 compensation~~ board annually shall review the compensation
1 28 paid to comparable officers in other counties of this state,
1 29 other states, private enterprise, and the federal government.
1 30 In setting the salary of the county sheriff, the ~~county~~
~~1 31 compensation~~ board shall consider setting the sheriff's salary
1 32 so that it is comparable to salaries paid to professional
1 33 law enforcement administrators and command officers of the
1 34 state patrol, the division of criminal investigation of the
1 35 department of public safety, and city police agencies in



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2 1 this state. The ~~county compensation~~ board shall prepare a
2 2 compensation schedule for the elective county officers for the
2 3 succeeding fiscal year. ~~A recommended compensation schedule~~
~~2 4 requires a majority vote of the membership of the county~~
~~2 5 compensation board.~~
2 6 2. At the public hearing held on the county budget as
2 7 provided in section 331.434, the ~~county compensation~~ board
2 8 shall submit its ~~recommended~~ compensation schedule for the
2 9 next fiscal year ~~to the board of supervisors~~ for inclusion
2 10 in the county budget. ~~The board of supervisors shall review~~
~~2 11 the recommended compensation schedule for the elected county~~
~~2 12 officers and determine the final compensation schedule which~~
~~2 13 shall not exceed the compensation schedule recommended by~~
~~2 14 the county compensation board. In determining the final~~
~~2 15 compensation schedule if the board of supervisors wishes to~~
~~2 16 reduce the amount of the recommended compensation schedule,~~
~~2 17 the amount of salary increase proposed for each elected~~
~~2 18 county officer, except as provided in subsection 3, shall be~~
~~2 19 reduced an equal percentage.~~ A copy of the final compensation
2 20 schedule shall be filed with the county budget at the office
2 21 of the director of the department of management. The final
2 22 compensation schedule takes effect on July 1 following its
2 23 adoption by the board ~~of supervisors~~.
2 24 3. The board ~~of supervisors~~ may adopt a decrease in
2 25 compensation paid to supervisors irrespective of ~~the county~~
~~2 26 compensation board's recommended compensation schedule or other~~
2 27 approved changes in compensation paid to other elected county
2 28 officers. A decrease in compensation paid to supervisors shall
2 29 be adopted by the board ~~of supervisors~~ no less than thirty days
2 30 before the county budget is certified under section 24.17.
2 31 4. The elected county officers are also entitled to receive
2 32 their actual and necessary expenses incurred in performance
2 33 of official duties of their respective offices. The board ~~of~~
~~2 34 supervisors~~ may authorize the reimbursement of expenses related
2 35 to an educational course, seminar, or school which is attended



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3 1 by a county officer after the county officer is elected, but
3 2 prior to the county officer taking office.

3 3 Sec. 7. REPEAL. Section 331.905, Code 2011, is repealed.

3 4 EXPLANATION

3 5 This bill provides for the abolition of county compensation
3 6 boards and transfers to the board of supervisors the duty of
3 7 setting the compensation schedule for elective county officers.

LSB 2679YC (1) 84

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House Study Bill 137

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
OFFICE OF DRUG CONTROL
POLICY BILL)

A BILL FOR

1 An Act relating to the sex offender registry and including
2 retroactive and other applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1318DP (8) 84
jm/rj



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1 1 Section 1. Section 232.54, subsection 1, paragraph i, Code
1 2 2011, is amended by striking the paragraph.
1 3 Sec. 2. Section 692A.101, subsection 23, paragraph a, Code
1 4 2011, is amended by adding the following new subparagraph:
1 5 NEW SUBPARAGRAPH. (22) Travel plans to other countries
1 6 including the name of each country and the dates when traveling
1 7 to each country.
1 8 Sec. 3. Section 692A.103, subsection 4, Code 2011, is
1 9 amended to read as follows:
1 10 4. Notwithstanding ~~subsections~~ subsection 3 and 5, a
1 11 juvenile fourteen years of age or older at the time the
1 12 offense was committed shall be required to register if the
1 13 adjudication was for ~~an~~ a sex offense committed by force
1 14 or the threat of serious violence, by rendering the victim
1 15 unconscious, or by involuntary drugging of the victim. At the
1 16 time of adjudication the judge shall make a determination as to
1 17 whether the sex offense was committed by force or the threat of
1 18 serious violence, by rendering the victim unconscious, or by
1 19 involuntary drugging of the victim.
1 20 Sec. 4. Section 692A.103, subsections 5 and 6, Code 2011,
1 21 are amended by striking the subsections.
1 22 Sec. 5. Section 692A.104, Code 2011, is amended to read as
1 23 follows:
1 24 692A.104 Registration process.
1 25 1. A sex offender shall appear in person to register with
1 26 the sheriff of each county where the offender has a residence,
1 27 maintains employment, or is in attendance as a student, within
1 28 ~~five~~ three business days of being required to register under
1 29 section 692A.103 by providing all relevant information to
1 30 the sheriff. A sheriff shall accept the registration of any
1 31 person who is required to register in the county pursuant to
1 32 the provisions of this chapter.
1 33 2. A sex offender shall, within ~~five~~ three business days of
1 34 changing a residence, employment, or attendance as a student,
1 35 appear in person to notify the sheriff of each county where a



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2 1 change has occurred.

2 2 3. A sex offender shall, within ~~five~~ three business days
2 3 of a change in relevant information, other than relevant
2 4 information enumerated in subsection 2, notify the sheriff of
2 5 the county where the principal residence of the offender is
2 6 maintained about the change to the relevant information. The
2 7 department shall establish by rule what constitutes proper
2 8 notification under this subsection.

2 9 4. A sex offender who is required to verify information
2 10 pursuant to the provisions of section 692A.108 is only required
2 11 to appear in person in the county where the principal residence
2 12 of the offender is maintained to verify such information.

2 13 5. A sex offender shall, within ~~five~~ three business days of
2 14 the establishment of a residence, employment, or attendance as
2 15 a student in another jurisdiction, appear in person to notify
2 16 the sheriff of the county where the principal residence of the
2 17 offender is maintained, about the establishment of a residence,
2 18 employment, or attendance in another jurisdiction. A sex
2 19 offender shall, within ~~five~~ three business days of establishing
2 20 a new residence, employment, or attendance as a student in
2 21 another jurisdiction, register with the registering agency of
2 22 the other jurisdiction, if the offender is required to register
2 23 under the laws of the other jurisdiction. The department shall
2 24 notify the registering agency in the other jurisdiction of the
2 25 sex offender's new residence, employment, or attendance as a
2 26 student in the other jurisdiction.

2 27 6. A sex offender, who has multiple residences in this
2 28 state, shall appear in person to notify the sheriff of each
2 29 county where a residence is maintained, of the dates the
2 30 offender will reside at each residence including the date when
2 31 the offender will move from one residence to another residence.

2 32 7. Except as provided in subsection 8, the initial or
2 33 subsequent registration and any notifications required in
2 34 subsections 1, 2, 4, 5, and 6 shall be by appearance at the
2 35 sheriff's office and completion of the initial or subsequent



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3 1 registration or notification shall be on a printed form, which
3 2 shall be signed and dated by the sex offender. If the sheriff
3 3 uses an electronic form to complete the initial registration
3 4 or notification, the electronic form shall be printed upon
3 5 completion and signed and dated by the sex offender. The
3 6 sheriff shall transmit the registration or notification form
3 7 completed by the sex offender within ~~five~~ three business days
3 8 by paper copy, or electronically, using procedures established
3 9 by the department by rule.

3 10 8. The collection of relevant information by a court or
3 11 releasing agency under section 692A.109 shall serve as the sex
3 12 offender's initial or subsequent registration for purposes of
3 13 this section. However, the sex offender shall register by
3 14 appearing in person in the county of residence to verify the
3 15 offender's arrival and relevant information. The court or
3 16 releasing agency shall forward a copy of the registration to
3 17 the department within ~~five~~ three business days of completion
3 18 of registration using procedures established by the department
3 19 by rule.

3 20 Sec. 6. Section 692A.105, Code 2011, is amended to read as
3 21 follows:

3 22 692A.105 Additional registration requirements ==== temporary
3 23 lodging ==== international travel.

3 24 In addition to the registration provisions specified in
3 25 section 692A.104, a sex offender, ~~within five business days of~~
~~3 26 a change, shall also~~ shall do the following:

3 27 1. Within three business days of a change, appear in person
3 28 to notify the sheriff of the county of principal residence, of
3 29 any location in which the offender is staying when away from
3 30 the principal residence of the offender for more than five
3 31 days, by identifying the location and the period of time the
3 32 offender is staying in such location.

3 33 2. Within twenty=one days prior to traveling to another
3 34 country, appear in person to notify the sheriff of the county
3 35 of principal residence, of the name of each country that will



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4 1 be visited during the travel.

4 2 Sec. 7. Section 692A.106, subsection 1, Code 2011, is
4 3 amended to read as follows:

4 4 1. ~~Except as otherwise provided in section 232.54,~~
~~4 5 692A.103, or 692A.128, or this section, the duration of~~
~~4 6 registration required under this chapter shall be for a period~~
~~4 7 of ten years.~~ The registration period shall begin as provided
4 8 in section 692A.103. Except as otherwise provided in section
4 9 692A.128, the duration of registration required under this
4 10 chapter shall be as follows:

4 11 a. For a tier I offender, a period of fifteen years.

4 12 b. For a tier II offender, a period of twenty-five years.

4 13 c. For a tier III offender, the period shall be for the rest
4 14 of the offender's life.

4 15 Sec. 8. Section 692A.108, subsection 4, Code 2011, is
4 16 amended to read as follows:

4 17 4. A photograph of the sex offender shall be updated,
4 18 at a minimum, annually. The sheriff shall send the updated
4 19 photograph to the department using procedures established by
4 20 the department by rule within five three business days of
4 21 the photograph being taken and the department shall post the
4 22 updated photograph on the sex offender registry's internet
4 23 site. The sheriff may require the sex offender to submit to
4 24 being photographed, fingerprinted, or palm printed, more than
4 25 once per year during any required appearance to verify relevant
4 26 information.

4 27 Sec. 9. Section 692A.109, subsection 1, paragraphs c, d, and
4 28 e, Code 2011, are amended to read as follows:

4 29 c. Inform the sex offender that, within five three business
4 30 days of changing a residence, employment, or attendance as a
4 31 student, an appearance is required before the sheriff in the
4 32 county where the change occurred.

4 33 d. Inform the sex offender that, within five three business
4 34 days of a change in relevant information other than a change
4 35 of residence, employment, or attendance as a student, the sex



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5 1 offender shall notify, in a manner prescribed by rule, the
5 2 sheriff of the county of principal residence of the change.
5 3 e. Inform the sex offender that if the offender establishes
5 4 residence in another jurisdiction, or becomes employed, or
5 5 becomes a student in another jurisdiction, the offender must
5 6 report the offender's new residence, employment, or attendance
5 7 as a student, to the sheriff's office in the county of the
5 8 offender's principal residence within ~~five~~ three business
5 9 days, and that, if the other jurisdiction has a registration
5 10 requirement, the offender shall also be required to register in
5 11 such jurisdiction.

5 12 Sec. 10. Section 692A.109, subsections 2 and 3, Code 2011,
5 13 are amended to read as follows:

5 14 2. a. When a sex offender is released from incarceration
5 15 from a jail, prison, juvenile facility, or other correctional
5 16 institution or facility, or when the offender is convicted but
5 17 not incarcerated, the sheriff, warden, superintendent of a
5 18 facility, or court shall verify that the person has completed
5 19 initial or subsequent registration forms, and accept the forms
5 20 on behalf of the sheriff of the county of registration. The
5 21 sheriff, warden, superintendent of a facility, or the court
5 22 shall send the initial or subsequent registration information
5 23 to the department within ~~five~~ three business days of completion
5 24 of the registration. Probation, parole, work release, or any
5 25 other form of release after conviction shall not be granted
5 26 unless the offender has registered as required under this
5 27 chapter.

5 28 b. If the sex offender refuses to register, the sheriff,
5 29 warden, superintendent of a facility, or court shall notify
5 30 within ~~five~~ three business days the county attorney in the
5 31 county in which the offender was convicted or, if the offender
5 32 no longer resides in that county, in the county in which
5 33 the offender resides of the refusal to register. The county
5 34 attorney shall bring a contempt of court action against the sex
5 35 offender in the county in which the offender was convicted or,



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6 1 if the offender no longer resides in that county, in the county
6 2 in which the offender resides. A sex offender who refuses to
6 3 register shall be held in contempt and may be incarcerated
6 4 pursuant to the provisions of chapter 665 following the entry
6 5 of judgment by the court on the contempt action until the
6 6 offender complies with the registration requirements.

6 7 3. The sheriff, warden, or superintendent of a facility,
6 8 or if the sex offender is placed on probation, the court
6 9 shall forward one copy of the registration information to
6 10 the department and to the sheriff of the county in which the
6 11 principal residence is established within ~~five~~ three business
6 12 days after completion of the registration.

6 13 Sec. 11. Section 692A.109, Code 2011, is amended by adding
6 14 the following new subsection:

6 15 NEW SUBSECTION. 5. For a sex offender who will not be
6 16 informed of the registration requirements pursuant to this
6 17 section as a result of section 692A.125, subsection 3, the
6 18 department shall notify the sex offender of the registration
6 19 requirements of this chapter within the following time period
6 20 beginning on July 1, 2011:

6 21 a. For a tier I offender, within one year.

6 22 b. For a tier II offender, within six months.

6 23 c. For a tier III offender, within three months.

6 24 Sec. 12. Section 692A.121, subsection 2, unnumbered
6 25 paragraph 1, Code 2011, is amended to read as follows:

6 26 The department shall provide updated or corrected relevant
6 27 information within ~~five~~ three business days of the information
6 28 being updated or corrected, from the sex offender registry to
6 29 the following:

6 30 Sec. 13. Section 692A.121, subsection 2, paragraph a, Code
6 31 2011, is amended to read as follows:

6 32 a. A criminal or juvenile justice agency, an agency of the
6 33 state, a sex offender registry of another jurisdiction, or the
6 34 federal government, including the United States marshal service
6 35 if the sex offender provides notification about traveling to



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7 1 another country pursuant to section 692A.105.

7 2 Sec. 14. Section 692A.121, subsection 2, paragraph b,
7 3 subparagraph (1), Code 2011, is amended by adding the following
7 4 new subparagraph divisions:

7 5 NEW SUBPARAGRAPH DIVISION. (0f) Previous sex offenses.

7 6 NEW SUBPARAGRAPH DIVISION. (i) Vehicle information.

7 7 Sec. 15. Section 692A.121, subsection 5, paragraph b,
7 8 subparagraph (4), Code 2011, is amended by striking the
7 9 subparagraph.

7 10 Sec. 16. Section 692A.121, subsection 5, paragraph b, Code
7 11 2011, is amended by adding the following new subparagraph:

7 12 NEW SUBPARAGRAPH. (5) Travel plans to other countries
7 13 including the name of each country and the dates when traveling
7 14 to each country.

7 15 Sec. 17. Section 692A.121, subsection 12, Code 2011, is
7 16 amended to read as follows:

7 17 12. When the department receives and approves registration
7 18 data, such data shall be made available on the sex offender
7 19 registry internet site within ~~five~~ three business days.

7 20 Sec. 18. Section 692A.125, Code 2011, is amended to read as
7 21 follows:

7 22 692A.125 Applicability of chapter and retroactivity.

7 23 1. The registration requirements of this chapter shall
7 24 apply to sex offenders convicted on or after July 1, ~~2009~~ 2011,
7 25 of a sex offense classified under section 692A.102.

7 26 2. The registration requirements of this chapter shall
7 27 apply to a sex offender convicted of a sex offense or a
7 28 comparable offense under prior law prior to July 1, ~~2009~~ 2011,
7 29 under the following circumstances:

7 30 a. Any sex offender including a juvenile offender who is
7 31 required to be on the sex offender registry as of June 30, ~~2009~~
~~7 32 2011, shall remain on the registry.~~

7 33 b. Any sex offender who is incarcerated on or after July 1,
7 34 ~~2009~~ 2011, for conviction of a sex offense committed prior to
7 35 July 1, ~~2009~~ 2011.



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8 1 c. Any sex offender who is serving a special sentence
8 2 pursuant to section 903B.1 or 903B.2 prior to July 1, ~~2009~~
~~8 3 2011~~, or any other person who is sentenced for a criminal
8 4 offense prior to July 1, ~~2009~~ 2011, that requires serving a
8 5 special sentence.

8 6 3. a. The registration requirements of this chapter shall
8 7 apply to a sex offender who received a conviction for any
8 8 felony offense on or after July 1, 2009, if the sex offender
8 9 has a previous felony conviction for a sex offense or a
8 10 comparable offense under prior law.

8 11 b. The department may search criminal records using normal
8 12 methods and procedures to identify sex offenders who are
8 13 required to register pursuant to this subsection.

8 14 ~~3.~~ 4. For an offense requiring registration due to
8 15 sexual motivation, the registration requirements of section
8 16 692A.126 shall apply to a person convicted of an offense if
8 17 the department makes the determination that the offense was
8 18 sexually motivated as provided in section 692A.126, subsection
8 19 2.

8 20 ~~4.~~ 5. For a sex offender required to register pursuant to
8 21 subsection 1, ~~or 2 or 3,~~, each conviction or adjudication for
8 22 a sex offense requiring registration, regardless of whether
8 23 such conviction or adjudication occurred prior to, on, or after
8 24 July 1, ~~2009~~ 2011, shall be included in determining the tier
8 25 requirements pursuant to this chapter.

8 26 ~~5.~~ 6. An offender on the sex offender registry as of June
8 27 30, ~~2009~~ 2011, and who is required to be on the registry on or
8 28 after July 1, ~~2009~~ 2011, shall be credited for any time on the
8 29 registry prior to July 1, ~~2009~~ 2011.

8 30 Sec. 19. Section 692A.128, Code 2011, is amended by striking
8 31 the section and inserting in lieu thereof the following:

8 32 692A.128 Modification.

8 33 1. A sex offender who is on the registry may file
8 34 an application in district court seeking to modify the
8 35 registration requirements under this chapter.



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9 1 2. An application for modification shall not be granted
9 2 unless all of the following apply:
9 3 a. The date of the commencement of the requirement to
9 4 register occurred at least ten years prior to the filing of the
9 5 application for a tier I offender or twenty=five years for a
9 6 tier III offender.
9 7 b. The applicant has successfully completed all sex offender
9 8 treatment programs that have been required.
9 9 c. The applicant is not incarcerated when the application is
9 10 filed.
9 11 d. (1) For a tier I offender, the applicant has had no
9 12 other criminal convictions other than simple misdemeanor
9 13 violations of chapter 321 or similar local violations for a
9 14 ten=year period prior to the application.
9 15 (2) For a tier III offender, the applicant has had
9 16 no criminal convictions other than simple misdemeanor
9 17 violations of chapter 321 or similar local violations for a
9 18 twenty=five=year period prior to the application, and the
9 19 requirement to register is based upon an adjudication in
9 20 juvenile court.
9 21 3. The application shall be filed in the sex offender's
9 22 county of principal residence.
9 23 4. Notice of any application shall be provided to the
9 24 county attorney of the county of the sex offender's principal
9 25 residence, the county attorney of any county in this state
9 26 where a conviction requiring the sex offender's registration
9 27 occurred, and the department. The county attorney in the
9 28 county where the conviction occurred shall notify the victim of
9 29 an application if the victim's address is known.
9 30 5. The court may, but is not required to, conduct a hearing
9 31 on the application to hear any evidence deemed appropriate by
9 32 the court.
9 33 6. a. If the court grants an application for a tier I
9 34 offender, the court may modify the registration period by
9 35 reducing the period of registration by up to five years.



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10 1 b. If the court grants an application for a tier III
10 2 offender, the court may modify the registration period by
10 3 reducing the period of registration to a term of years.

10 4 7. If the court modifies the registration requirements
10 5 under this chapter, the court shall send a copy of the order to
10 6 the department, the sheriff of the county of the sex offender's
10 7 principal residence, any county attorney notified in subsection
10 8 4, and the victim, if the victim's address is known.

EXPLANATION

10 10 This bill relates to the federal Adam Walsh Child Protection
10 11 and Safety Act by making changes to the sex offender registry.

10 12 The bill eliminates the authority of a juvenile judge to
10 13 modify or suspend a juvenile's requirement to register once a
10 14 juvenile is placed on the sex offender registry.

10 15 The bill and current law allow the juvenile court to waive a
10 16 juvenile's requirement to register prior to placement on the
10 17 registry unless the juvenile is 14 years of age or older at the
10 18 time the offense was committed and the offense was committed
10 19 by force or threat of serious violence by rendering the victim
10 20 unconscious, or by involuntary drugging of the victim.

10 21 The bill modifies the duration that a sex offender must
10 22 remain on the registry. Under the bill, a tier I offender
10 23 shall register for a period of 15 years, a tier II offender
10 24 shall register for a period of 25 years, and a tier III
10 25 offender shall register for life. Current law generally
10 26 establishes the duration of registration at 10 years regardless
10 27 of the tier classification.

10 28 The bill changes the time period granted a sex offender to
10 29 initially register as a sex offender from within five business
10 30 days of being ordered to register to within three business days
10 31 of being ordered to register. The bill also changes the time
10 32 period granted a sex offender to notify a county sheriff of any
10 33 change to relevant information from within five business days
10 34 of the change to within three business days of the change.

10 35 The bill changes the time period granted a county sheriff to



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11 1 transmit sex offender information to the department of public
11 2 safety or to notify the county attorney a sex offender refuses
11 3 to register, from five business days to three business days.
11 4 The bill also changes the time period granted the court or
11 5 any other releasing agency to transmit sex offender information
11 6 to the department of public safety or to the sheriff of the
11 7 county where the sex offender will reside, from five business
11 8 days to three business days.
11 9 The bill requires a sex offender to notify the county sheriff
11 10 of the county of principal residence within 21 days prior to
11 11 traveling internationally. The bill requires the sex offender
11 12 to provide the county sheriff with the name of each country and
11 13 the dates when traveling to each country. The bill requires
11 14 the department of public safety to notify the United States
11 15 marshal service about the international travel plans of a sex
11 16 offender.
11 17 The bill also makes changes to the authority of a judge to
11 18 modify registration requirements for a sex offender. Under
11 19 the bill, the court may modify the registry requirements for
11 20 a tier I offender, if the offender meets certain criteria
11 21 including but not limited to the offender having had no other
11 22 criminal convictions other than simple misdemeanor violations
11 23 of Code chapter 321 or similar local violations for a 10-year
11 24 period prior to applying for modification. If the court
11 25 grants a modification, the court may reduce the duration of
11 26 registration by up to five years. For a tier III offender,
11 27 the court may only modify the registry requirements if the
11 28 offender meets certain criteria including but not limited to
11 29 the offender having had no criminal convictions other than
11 30 simple misdemeanor violations of Code chapter 321 or similar
11 31 local violations for a 25-year period prior to the application,
11 32 and the requirement to register is based upon an adjudication
11 33 in juvenile court. If the court grants the modification, the
11 34 court may change the period of registration for a tier III
11 35 offender from the rest of the offender's life to a term of



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12 1 years. The bill does not permit a modification for a tier II
12 2 offender.

12 3 The amendments to the Code in the bill apply to a sex
12 4 offender including a juvenile offender on the registry on or
12 5 after June 30, 2011, or who has committed a sex offense prior
12 6 to July 1, 2011, that requires registration but who has not
12 7 registered, or all persons, except certain juveniles, who
12 8 commit a sex offense on or after July 1, 2011.

12 9 The bill also requires the department of public safety to
12 10 identify and then notify a person required to register as a
12 11 sex offender if the person has received a felony conviction
12 12 for any offense on or after July 1, 2009, and the person has a
12 13 previous felony conviction for a sex offense or a comparable
12 14 offense under prior law. The department is required to notify
12 15 these offenders within one year of July 1, 2011, for tier I
12 16 offenders, within six months of July 1, 2011, for tier II
12 17 offenders, and within three months of July 1, 2011, for tier
12 18 III offenders.

12 19 The bill specifies the department of public safety to
12 20 search criminal records using normal methods and procedures to
12 21 identify persons who are subject to the registry requirements
12 22 because of a felony conviction for any offense on or after July
12 23 1, 2009, and who have a previous felony conviction for a sex
12 24 offense or a comparable offense under prior law.

LSB 1318DP (8) 84

jm/rj



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House Study Bill 138

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL
BY CHAIRPERSON WAGNER)

A BILL FOR

1 An Act relating to the meetings and activities of the governing
2 boards of certain nonprofit corporations and horizontal
3 property regimes and including applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1452YC (1) 84
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1 1 Section 1. Section 499B.15, subsection 2, Code 2011, is
1 2 amended to read as follows:

1 3 2. a. If the form of administration is a board of
1 4 administration, board meetings must be open to all apartment
1 5 owners except for meetings between the board and its attorney
1 6 with respect to proposed or pending litigation where the
1 7 contents of the discussion would otherwise be governed by
1 8 the attorney=client privilege. Notice of each board meeting
1 9 must be mailed or delivered to each apartment owner and
1 10 to each member of the board at least seven days before the
1 11 meeting. Each notice shall contain the date, time, place,
1 12 and purpose of the meeting. Minutes of meetings of the board
1 13 of administration must be maintained in written form or in
1 14 another form that can be converted into written form within
1 15 a reasonable time. The official records of the board of
1 16 administration must be open to inspection and available for
1 17 photocopying at reasonable times and places. Any action taken
1 18 by a board of administration at a meeting that is in violation
1 19 of any of the provisions of this subsection is not valid or
1 20 enforceable.

1 21 b. An apartment owner may seek judicial enforcement of
1 22 the requirements of this subsection within six months of the
1 23 alleged violation. Suits to enforce this subsection shall
1 24 be brought in the district court for the county in which the
1 25 declaration under section 499B.3 was filed. In any judicial
1 26 action, the board shall have the burden of proving that the
1 27 requirements of this subsection have been met. If a board
1 28 fails to prove by a preponderance of the evidence that the
1 29 board complied with the requirements of this subsection, the
1 30 court shall:

1 31 (1) Award costs and reasonable attorney fees to the
1 32 prevailing party.

1 33 (2) Issue an order declaring any action taken by the
1 34 board at a meeting that violated this subsection invalid and
1 35 unenforceable.



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2 1 (3) If the court determines that a violation of this
2 2 subsection is likely or about to occur, enjoin the board from
2 3 committing the violation.
2 4 Sec. 2. Section 504.823, Code 2011, is amended to read as
2 5 follows:
2 6 504.823 Call and notice of meetings.
2 7 1. Unless the articles or bylaws of a corporation, or
2 8 subsection 3 or 5, ~~provide~~ provides otherwise, regular meetings
2 9 of the board may be held without notice.
2 10 2. Unless the articles, bylaws, or subsection 3 or 5 ~~provide~~
~~2 11 provides~~ otherwise, special meetings of the board must be
2 12 preceded by at least two days' notice to each director of the
2 13 date, time, and place, but not the purpose, of the meeting.
2 14 3. In corporations without members, any board action to
2 15 remove a director or to approve a matter which would require
2 16 approval by the members if the corporation had members shall
2 17 not be valid unless each director is given at least seven
2 18 days' written notice that the matter will be voted upon at
2 19 a directors' meeting or unless notice is waived pursuant to
2 20 section 504.824.
2 21 4. Unless the articles or bylaws provide otherwise, the
2 22 presiding officer of the board, the president, or twenty
2 23 percent of the directors then in office may call and give
2 24 notice of a meeting of the board.
2 25 5. a. Notwithstanding any provision of this chapter to
2 26 the contrary, homeowners' association board meetings shall be
2 27 open to all members except for meetings between the board and
2 28 its attorney with respect to proposed or pending litigation
2 29 where the contents of the discussion would otherwise be
2 30 governed by the attorney-client privilege. Notice of each
2 31 board meeting shall be mailed or delivered to each member and
2 32 to each director at least seven days before the meeting. Each
2 33 notice shall contain the date, time, place, and purpose of the
2 34 meeting. Any action taken by a board at a meeting that is in
2 35 violation of any of the provisions of this subsection is not



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3 1 valid or enforceable.

3 2 b. A member may seek judicial enforcement of the
3 3 requirements of this subsection within six months of the
3 4 alleged violation. Suits to enforce this subsection shall
3 5 be brought in the district court for the county in which a
3 6 majority of the area of real estate governed by the homeowners'
3 7 association is located. In any judicial action, the
3 8 homeowners' association board shall have the burden of proving
3 9 that the requirements of this subsection have been met. If a
3 10 homeowners' association fails to prove by a preponderance of
3 11 the evidence that the homeowners' association complied with the
3 12 requirements of this subsection, the court shall:

3 13 (1) Award costs and reasonable attorney fees to the
3 14 prevailing party.

3 15 (2) Issue an order declaring any action taken by the
3 16 homeowners' association board at a meeting that violated this
3 17 subsection invalid and unenforceable.

3 18 (3) If the court determines that a violation of this
3 19 subsection is likely or about to occur, enjoin the homeowners'
3 20 association from committing the violation.

3 21 c. For purposes of this subsection, "homeowners'
3 22 association" means a corporation responsible for the
3 23 administration and operation of an area of real property
3 24 comprised of land and buildings used primarily for human
3 25 habitation, whose membership consists of parcel owners or their
3 26 agents, and, as a condition of parcel ownership, membership in
3 27 the corporation is mandatory.

3 28 Sec. 3. APPLICABILITY. This Act applies to homeowners'
3 29 association board meetings and horizontal property regime board
3 30 of administration meetings occurring on or after July 8, 2011.

3 31 EXPLANATION

3 32 This bill applies to horizontal property regimes
3 33 (condominiums) under Code chapter 499B and to homeowners'
3 34 associations organized under the revised Iowa nonprofit
3 35 corporation Act, Code chapter 504.



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4 1 The bill amends Code section 504.823 to require homeowners'
4 2 association board meetings to be open to all members except
4 3 for meetings between the board and its attorney with respect
4 4 to proposed or pending litigation where the contents of the
4 5 discussion would otherwise be governed by the attorney=client
4 6 privilege. The bill also requires notice of each board meeting
4 7 to be mailed or delivered to each member and to each director
4 8 at least seven days before the meeting. Each notice must
4 9 contain the date, time, place, and purpose of the meeting.
4 10 Any action taken by a board at a meeting that is in violation
4 11 of the bill is not valid or enforceable. The bill defines
4 12 "homeowners' association" as a corporation responsible for
4 13 the administration and operation of an area of real property
4 14 comprised of land and buildings used primarily for human
4 15 habitation, whose membership consists of parcel owners or their
4 16 agents, and as a condition of parcel ownership, membership in
4 17 the corporation is mandatory.
4 18 The bill allows an aggrieved member of the homeowners'
4 19 association to seek judicial enforcement of the requirements
4 20 of the bill within six months of the alleged violation. In
4 21 any judicial action, the homeowners' association board has
4 22 the burden of proving that the requirements of the bill have
4 23 been met. If a homeowners' association fails to prove by a
4 24 preponderance of the evidence that the homeowners' association
4 25 complied with the requirements of this subsection, the
4 26 court shall award costs and reasonable attorney fees to the
4 27 prevailing party, issue an order declaring any action taken by
4 28 the homeowners' association board at a meeting that violated
4 29 this subsection invalid and unenforceable, and if the court
4 30 determines that a violation of this subsection is likely
4 31 or about to occur, enjoin the homeowners' association from
4 32 committing the violation.
4 33 The bill also includes similar provisions for the
4 34 contents of meeting notices, judicial enforcement of meeting
4 35 requirements, and burden of proof requirements for horizontal



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5 1 property regimes under Code chapter 499B.
5 2 The bill applies to homeowners' association board meetings
5 3 and horizontal property regime board of administration meetings
5 4 occurring on or after July 8, 2011.
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House Study Bill 139

HOUSE FILE

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON COWNIE)

A BILL FOR

1 An Act authorizing the Iowa state fair board to establish an
2 endowment fund to receive gifts in trust dedicated to the
3 maintenance and improvement of the Iowa state fairgrounds.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. Section 22.7, subsection 52, paragraph a,
1 2 unnumbered paragraph 1, Code 2011, is amended to read as
1 3 follows:

1 4 The following records relating to a charitable donation made
1 5 to a foundation acting solely for the support of an institution
1 6 governed by the state board of regents, to the board of the
1 7 Iowa state fair foundation when the record relates to a gift
1 8 for deposit in or expenditure from the Iowa state fairgrounds
1 9 trust fund as provided in section 173.22A, to a foundation
1 10 acting solely for the support of an institution governed by
1 11 chapter 260C, to a private foundation as defined in section
1 12 509 of the Internal Revenue Code organized for the support of
1 13 a government body, or to an endow Iowa qualified community
1 14 foundation, as defined in section 15E.303, organized for the
1 15 support of a government body:

1 16 Sec. 2. Section 173.11, subsection 3, Code 2011, is amended
1 17 to read as follows:

1 18 3. Administer the ~~funds~~ foundation fund under the control of
1 19 the Iowa state fair foundation, in its capacity as the board
1 20 of the Iowa state fair foundation, as directed by the board
1 21 ~~and~~. The treasurer shall administer the fund in accordance
1 22 with procedures of the treasurer of state, and maintain a
1 23 correct account of receipts and disbursements of assets of the
1 24 foundation fund.

1 25 Sec. 3. Section 173.14, subsection 11, Code 2011, is amended
1 26 to read as follows:

1 27 11. Administer the Iowa state fair foundation created in
1 28 section 173.22 in its capacity as the board of the Iowa state
1 29 fair foundation.

1 30 a. ~~In administering~~ The board shall administer the
1 31 foundation the board shall authorize fund by authorizing all
1 32 payments from the foundation fund. The board on behalf of the
1 33 foundation fund may contract, sue and be sued, and adopt rules
1 34 necessary to carry out the provisions of this subsection, but
1 35 the board in administering the foundation fund shall not in any



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2 1 manner, directly or indirectly, pledge the credit of the state.
2 2 b. The board shall administer the Iowa state fairgrounds
2 3 trust fund as trustees of an institutional endowment fund as
2 4 provided in section 173.22A.
2 5 Sec. 4. Section 173.22, Code 2011, is amended to read as
2 6 follows:
2 7 173.22 Iowa state fair foundation ~~====~~ foundation fund.
2 8 1. An Iowa state fair foundation is established under the
2 9 authority of the Iowa state fair board.
2 10 2. A foundation fund is created within the state treasury
2 11 composed of moneys appropriated or available to and obtained or
2 12 accepted by the foundation. The foundation fund shall include
2 13 moneys credited to the fund as provided in section 422.12D.
2 14 3. The foundation may solicit or accept gifts, including
2 15 donations and bequests. A gift, to the greatest extent
2 16 possible, shall be used according to the expressed desires of
2 17 the person providing the gift.
2 18 4. ~~Assets of~~ Moneys in the foundation fund shall be
2 19 used to support foundation activities, including foundation
2 20 administration, or capital projects or major maintenance
2 21 improvements at the Iowa state fairgrounds or to property under
2 22 the control of the board.
2 23 5. a. Foundation moneys credited to the foundation fund
2 24 may be expended on a matching basis with public moneys or Iowa
2 25 state fair authority receipts. All interest earned on moneys
2 26 in the foundation fund ~~or through other foundation assets~~ shall
2 27 be credited to and remain in the fund. Section 8.33 does not
2 28 apply to moneys in the fund.
2 29 b. The auditor of state shall conduct regular audits of the
2 30 foundation fund and shall make a certified report relating to
2 31 the condition of the ~~foundation and the~~ foundation fund to the
2 32 treasurer of the state, and to the treasurer and secretary of
2 33 the state fair board.
2 34 Sec. 5. NEW SECTION. 173.22A Iowa state fairgrounds trust
2 35 fund.



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3 1 1. An Iowa state fairgrounds trust fund is created as an
3 2 endowment fund under the authority and in the custody of the
3 3 Iowa state fair board in its capacity as the board of the
3 4 Iowa state fair foundation. The Iowa state fairgrounds trust
3 5 fund is not part of the state treasury. The fund shall be
3 6 composed exclusively of gifts accepted by the board in trust
3 7 from private donors or testators. The board may accept these
3 8 gifts in trust and shall fulfill its duties as trustee of
3 9 gifts accepted notwithstanding section 633.63. The trust
3 10 beneficiaries shall include all future attendees of events
3 11 held on the Iowa state fairgrounds. The fund shall be an
3 12 endowment fund to be used exclusively for the maintenance and
3 13 improvement of the Iowa state fairgrounds and for no other
3 14 purpose. The board shall decline any gifts not consistent with
3 15 these purposes.

3 16 2. Moneys in the Iowa state fairgrounds trust fund shall not
3 17 be deposited in the state treasury, but shall be held separate
3 18 and apart from both the state fair's operating moneys and the
3 19 state fair foundation fund established in section 173.22. The
3 20 board as trustee shall hold only legal title to these moneys,
3 21 which shall not form any part of the general fund of the state.
3 22 The moneys shall not be subject to appropriation by the general
3 23 assembly or subject to transfer pursuant to chapter 8. The
3 24 moneys are not and shall not be deemed public funds for any
3 25 purpose. The fund shall be an institutional endowment fund
3 26 within the meaning of and subject to chapter 540A. The fund
3 27 shall not be subject to audit by the auditor of state, but
3 28 shall be audited annually by a certified public accountant.
3 29 The annual audit shall be delivered to the auditor of state,
3 30 who may include it in any further report that the auditor of
3 31 state deems appropriate. However, an annual audit shall be a
3 32 confidential record to the extent required in section 22.7,
3 33 subsection 52. The moneys may be held in perpetuity, subject
3 34 to the provisions for release or modification of restrictions
3 35 on the moneys as provided in chapter 540A.



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4 1 Sec. 6. Section 422.12D, subsections 1 and 2, Code 2011, are
4 2 amended to read as follows:

4 3 1. A person who files an individual or a joint income tax
4 4 return with the department of revenue under section 422.13
4 5 may designate one dollar or more to be paid to the foundation
4 6 fund of the Iowa state fair foundation as established in
4 7 section 173.22. If the refund due on the return or the payment
4 8 remitted with the return is insufficient to pay the amount
4 9 designated by the taxpayer to the ~~Iowa state fair~~ foundation
4 10 fund, the amount designated shall be reduced to the remaining
4 11 amount of the refund or the remaining amount remitted with the
4 12 return. The designation of a contribution to the ~~Iowa state~~
~~4 13 fair foundation fund~~ under this section is irrevocable.

4 14 2. The director of revenue shall draft the income tax form
4 15 to allow the designation of contributions to the ~~Iowa state~~
~~4 16 fair foundation fund~~ on the tax return. The department, on or
4 17 before January 31, shall transfer the total amount designated
4 18 on the tax form due in the preceding year to the foundation
4 19 ~~fund created pursuant to section 173.22.~~

4 20 EXPLANATION

4 21 This bill creates an endowment trust fund known as the Iowa
4 22 state fairgrounds trust fund to be held by the Iowa state fair
4 23 board in its capacity as the Iowa state foundation board of
4 24 directors (a tax-exempt charitable organization under section
4 25 501(c)(3) of the Internal Revenue Code). The bill requires
4 26 that moneys in the fund must be used exclusively for the
4 27 maintenance and improvement of the Iowa state fairgrounds.
4 28 The fund must be held in perpetuity for the benefit of all
4 29 fairgoers and attendees of events at the state fairgrounds.
4 30 The fund must be composed exclusively of gifts accepted by the
4 31 board in trust from private donors or testators for deposit
4 32 into this fund. This fund is not part of the state treasury,
4 33 and is not subject to appropriation by the general assembly or
4 34 transfer by the department of management. Instead, the fund is
4 35 governed by Code chapter 540A (the "Uniform Prudent Management



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5 1 of Institutional Funds Act"). Records in possession of the
5 2 fair board that disclose a donor's or prospective donor's
5 3 personal information are confidential under Code chapter 22
5 4 governing Iowa's open records.

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House Study Bill 140

HOUSE FILE

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON COWNIE)

A BILL FOR

1 An Act relating to the assignment of debts placed with the
2 centralized collection unit of the department of revenue to
3 a private debt collection designee.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. Section 421.17, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 27A. To implement the private debt
1 4 collection program established in section 421.17C.
1 5 Sec. 2. NEW SECTION. 421.17C Private debt collection
1 6 program.
1 7 1. When used in this section, unless the context otherwise
1 8 requires:
1 9 a. "Debt" means any indebtedness owed to the state by a
1 10 person, corporation, or other entity, or any indebtedness
1 11 owed to a local government entity if such indebtedness has
1 12 been transferred to the centralized collection unit of the
1 13 department of revenue pursuant to procedures established under
1 14 section 421.17, subsection 27. "Debt" does not include "court
1 15 debt" as defined in section 602.8107.
1 16 b. "Department" means the department of revenue.
1 17 c. "Director" means the director of revenue.
1 18 d. "State" means any board, commission, or department of the
1 19 state, and any other entity reported in the Iowa comprehensive
1 20 annual financial report.
1 21 2. The director shall establish a program to assign debt to
1 22 a private collection designee upon the placement of the debt
1 23 with the centralized collection unit of the department.
1 24 a. The program shall apply to all debt on the books of the
1 25 centralized collection unit on or after the effective date of
1 26 this Act.
1 27 b. The department shall enter into a contract with a
1 28 private debt collection designee by September 1, 2011, and the
1 29 department shall commence assignment of the debt to a private
1 30 debt collection designee no later than November 1, 2011.
1 31 c. Prior to entering into a contract with a private debt
1 32 collection designee, the department shall solicit requests for
1 33 proposals.
1 34 d. The department shall provide for the assessment of a
1 35 collection fee of up to twenty=five percent of the amount of



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2 1 the debt being collected under the program that is attributable
2 2 to a debtor. The collection fee as calculated shall be added
2 3 to the amount of the debt owed by the debtor and shall be owed
2 4 by and collected from the debtor. The collection fee shall be
2 5 used to compensate the private debt collection designee.

2 6 e. The confidentiality provisions of sections 422.20 and
2 7 422.72 do not apply to tax information assigned to a private
2 8 collection designee under the program.

2 9 f. The centralized computer data bank established in section
2 10 421.17, subsection 27, shall be made available to the private
2 11 debt collection designee.

2 12 g. The department's existing right regarding setoff from
2 13 income tax refunds or other accounts payable by the state shall
2 14 not be impaired by this program.

2 15 EXPLANATION

2 16 This bill relates to the assignment of debts placed with the
2 17 centralized collection unit of the department of revenue to a
2 18 private debt collection designee.

2 19 The bill requires the director of revenue to establish a
2 20 program to assign debt placed with the centralized collection
2 21 unit to a private collection designee for further collection
2 22 efforts, upon the placement of such debt with the unit.

2 23 The bill defines "debt" to mean any indebtedness owed
2 24 to the state by a person, corporation, or other entity,
2 25 any indebtedness owed to a local government entity, if such
2 26 indebtedness has been transferred to the centralized collection
2 27 unit pursuant to procedures established under Code section
2 28 421.17, subsection 27. The term "debt" under the bill does not
2 29 include "court debt" as defined in Code section 602.8107.

2 30 The bill provides that the program applies to all eligible
2 31 debt on the books of the centralized collection unit on or
2 32 after the effective date of the bill.

2 33 The bill requires the department of revenue to solicit
2 34 requests for proposals from private debt collection designees.

2 35 The bill requires that the department of revenue enter into



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3 1 a contract with a private debt collection designee by September
3 2 1, 2011, and commence with assigning the debt to the private
3 3 debt collection designee no later than November 1, 2011.
3 4 The bill requires the department to provide for a collection
3 5 fee no greater than 25 percent of the amount of the debt
3 6 being collected under the program that is attributable to a
3 7 debtor. The collection fee as calculated shall be added to the
3 8 amount of the debt owed by the debtor and shall be owed by and
3 9 collected from the debtor. The collection fee shall be used to
3 10 compensate the private debt collection designee.
3 11 Under the bill, the confidentiality provisions of Code
3 12 sections 422.20 and 422.72 do not apply to tax information
3 13 assigned to a private collection designee.
3 14 The bill also requires the centralized computer data bank
3 15 established in Code section 421.17, subsection 27, to be made
3 16 available to the private debt collection designee.
3 17 The bill does not impair the ability of the department
3 18 of revenue regarding setoff from income tax refunds or other
3 19 accounts payable by the state.

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House Study Bill 141

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON COWNIE)

A BILL FOR

1 An Act concerning investment of certain public funds in
2 companies doing business in Iran by the treasurer of state,
3 public retirement systems in Iowa, and the state board of
4 regents.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. NEW SECTION. 12H.1 Legislative findings and
1 2 intent.

1 3 The general assembly is deeply concerned over the support
1 4 the country of Iran has provided for acts of international
1 5 terrorism. Therefore, the general assembly intends that state
1 6 funds and funds administered by the state, including public
1 7 employee retirement funds, should not be invested in companies
1 8 that provide power production=related services, mineral
1 9 extraction activities, oil=related activities, or military
1 10 equipment to the government of Iran.

1 11 Sec. 2. NEW SECTION. 12H.2 Definitions.

1 12 As used in this chapter, unless the context otherwise
1 13 requires:

1 14 1. "Active business operations" means all business
1 15 operations that are not inactive business operations.

1 16 2. "Business operations" means engaging in commerce in any
1 17 form in Iran, including by acquiring, developing, maintaining,
1 18 owning, selling, possessing, leasing, or operating equipment,
1 19 facilities, personnel, products, services, personal property,
1 20 real property, or any other apparatus of business or commerce.

1 21 3. "Company" means any sole proprietorship, organization,
1 22 association, corporation, partnership, joint venture, limited
1 23 partnership, limited liability partnership, limited liability
1 24 company, or other entity or business association, including
1 25 all wholly owned subsidiaries, majority=owned subsidiaries,
1 26 parent companies, or affiliates of such entities or business
1 27 associations, that exists for profit=making purposes.

1 28 4. "Direct holdings" in a company means all securities of
1 29 that company held directly by the public fund or in an account
1 30 or fund in which the public fund owns all shares or interests.

1 31 5. "Inactive business operations" means the mere continued
1 32 holding or renewal of rights to property previously operated
1 33 for the purpose of generating revenues but not presently
1 34 deployed for such purpose.

1 35 6. "Indirect holdings" in a company means all securities of



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2 1 that company held in an account or fund managed by one or more
2 2 persons not employed by the public fund, in which the public
2 3 fund owns shares or interests together with other investors not
2 4 subject to the provisions of this chapter. Indirect holdings
2 5 include but are not limited to mutual funds, fund of funds,
2 6 private equity funds, hedge funds, and real estate funds.
2 7 7. "Military equipment" means weapons, arms, military
2 8 supplies, and equipment that readily may be used for military
2 9 purposes including but not limited to radar systems or
2 10 military=grade transport vehicles, or supplies or services
2 11 sold or provided directly or indirectly to any terrorist
2 12 organization.
2 13 8. "Mineral extraction activities" include exploring,
2 14 extracting, processing, transporting, or wholesale selling or
2 15 trading of elemental minerals or associated metal alloys or
2 16 oxides, including gold, copper, chromium, chromite, diamonds,
2 17 iron, iron ore, silver, tungsten, uranium, and zinc, as well as
2 18 facilitating such activities, including by providing supplies
2 19 or services in support of such activities.
2 20 9. "Oil=related activities" include but are not limited to
2 21 owning rights to oil blocks; exporting, extracting, producing,
2 22 refining, processing, exploring for, transporting, selling,
2 23 or trading of oil; constructing, maintaining, or operating a
2 24 pipeline, refinery, or other oil field infrastructure; and
2 25 facilitating such activities, including by providing supplies
2 26 or services in support of such activities, provided that the
2 27 mere retail sale of gasoline and related consumer products
2 28 shall not be considered oil=related activities.
2 29 10. "Power production activities" means any business
2 30 operation that involves a project commissioned by any
2 31 Iranian government entity whose purpose is to facilitate
2 32 power=generation and delivery including but not limited to
2 33 establishing power generating plants or hydroelectric dams,
2 34 selling or installing components for the project, providing
2 35 service contracts related to the installation or maintenance



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3 1 of the project, as well as facilitating such activities,
3 2 including by providing supplies or services in support of such
3 3 activities.

3 4 11. "Public fund" means the treasurer of state, the state
3 5 board of regents, the public safety peace officers' retirement
3 6 system created in chapter 97A, the Iowa public employees'
3 7 retirement system created in chapter 97B, the statewide fire
3 8 and police retirement system created in chapter 411, or the
3 9 judicial retirement system created in chapter 602.

3 10 12. "Scrutinized company" means any company that is not
3 11 a social development company that meets any of the following
3 12 criteria:

3 13 a. The company has business operations that involve
3 14 contracts with or provision of supplies or services to
3 15 the government of Iran, companies in which the government
3 16 of Iran has any direct or indirect equity share, Iranian
3 17 government=commissioned consortiums or projects, or companies
3 18 involved in Iranian government=commissioned consortiums or
3 19 projects; and meets any of the additional following criteria:

3 20 (1) More than ten percent of the company's revenues or
3 21 assets linked to Iran involve oil=related activities or mineral
3 22 extraction activities and the company has failed to take
3 23 substantial action.

3 24 (2) More than ten percent of the company's revenues or
3 25 assets linked to Iran involve power production activities and
3 26 the company has failed to take substantial action.

3 27 b. The company supplies military equipment to Iran, unless
3 28 it clearly shows that the military equipment cannot be used to
3 29 facilitate international acts of terrorism.

3 30 13. "Social development company" means a company whose
3 31 primary purpose in Iran is to provide humanitarian goods or
3 32 services, including medicine or medical equipment, agricultural
3 33 supplies or infrastructure, educational opportunities,
3 34 journalism=related activities, information or information
3 35 materials, spiritual=related activities, services of a purely



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4 1 clerical or reporting nature, food, clothing, or general
4 2 consumer goods that are unrelated to oil-related activities,
4 3 mineral extraction activities, or power production activities.
4 4 14. "Substantial action" means adopting, publicizing,
4 5 and implementing a formal plan to cease scrutinized business
4 6 operations within one year and to refrain from any such new
4 7 business operations.
4 8 Sec. 3. NEW SECTION. 12H.3 Identification of companies ====
4 9 notice.
4 10 1. a. By July 1, 2011, the public fund shall make its best
4 11 efforts to identify all scrutinized companies in which the
4 12 public fund has direct or indirect holdings or could possibly
4 13 have such holdings in the future and shall create and make
4 14 available to the public a scrutinized companies list for that
4 15 public fund. The list shall further identify whether the
4 16 company has inactive business operations or active business
4 17 operations. The public fund shall review and update, if
4 18 necessary, the scrutinized companies list and the determination
4 19 of whether a company has inactive or active business operations
4 20 on a quarterly basis thereafter.
4 21 b. In making its best efforts to identify scrutinized
4 22 companies and companies with inactive business operations or
4 23 active business operations, the public fund may review and
4 24 rely, in the best judgment of the public fund, on publicly
4 25 available information regarding companies with business
4 26 operations in Iran, and including other information that
4 27 may be provided by nonprofit organizations, research firms,
4 28 international organizations, and government entities. The
4 29 public fund may also contact asset managers and institutional
4 30 investors for the public fund to identify scrutinized companies
4 31 based upon industry-recognized lists of such companies that the
4 32 public fund may have indirect holdings in.
4 33 2. a. For each company on the scrutinized companies list
4 34 with only inactive business operations in which the public fund
4 35 has direct or indirect holdings, the public fund shall send a



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5 1 written notice informing the company of the requirements of
5 2 this chapter and encouraging it to continue to refrain from
5 3 initiating active business operations in Iran until it is
5 4 able to avoid scrutinized business operations. The public
5 5 fund shall continue to provide such written notice on an
5 6 annual basis if the company remains a scrutinized company with
5 7 inactive business operations.
5 8 b. For each company on the scrutinized companies list with
5 9 active business operations in which the public fund has direct
5 10 or indirect holdings, the public fund shall send a written
5 11 notice informing the company of its status as a scrutinized
5 12 company with active business operations and that it may become
5 13 subject to divestment and restrictions on investing in the
5 14 company by the public fund. The notice shall offer the company
5 15 the opportunity to clarify its Iran-related activities and
5 16 shall encourage the company to either cease its scrutinized
5 17 business operations or convert such operations to inactive
5 18 business operations in order to avoid becoming subject to
5 19 divestment and restrictions on investment in the company by
5 20 the public fund. The public fund shall continue to provide
5 21 such written notice on an annual basis if the company remains a
5 22 scrutinized company with active business operations.
5 23 Sec. 4. NEW SECTION. 12H.4 Prohibited investments ====
5 24 divestment.
5 25 1. The public fund shall not acquire publicly traded
5 26 securities of a company on the public fund's most recent
5 27 scrutinized companies list with active business operations so
5 28 long as such company remains on the public fund's scrutinized
5 29 companies list as a company with active business operations as
5 30 provided in this section.
5 31 2. a. The public fund shall sell, redeem, divest, or
5 32 withdraw all publicly traded securities of a company on
5 33 the public fund's list of scrutinized companies with active
5 34 business operations, so long as the company remains on that
5 35 list, no sooner than ninety days, but no later than eighteen



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6 1 months, following the first written notice sent to the
6 2 scrutinized company with active business operations as required
6 3 by section 12H.3.

6 4 b. This subsection shall not be construed to require the
6 5 premature or otherwise imprudent sale, redemption, divestment,
6 6 or withdrawal of an investment, but such sale, redemption,
6 7 divestment, or withdrawal shall be completed as provided by
6 8 this subsection.

6 9 3. The requirements of this section shall not apply to the
6 10 following:

6 11 a. A company which the United States government
6 12 affirmatively declares to be excluded from its present or any
6 13 future federal sanctions regime relating to Iran.

6 14 b. Indirect holdings of a scrutinized company with active
6 15 business operations. The public fund shall, however, submit
6 16 letters to the managers of such investment funds containing
6 17 companies with scrutinized active business operations
6 18 requesting that they consider removing such companies from the
6 19 fund or create a similar fund with indirect holdings devoid of
6 20 such companies. If the manager creates a similar fund, the
6 21 public fund is encouraged to replace all applicable investments
6 22 with investments in the similar fund consistent with prudent
6 23 investing standards.

6 24 Sec. 5. NEW SECTION. 12H.5 Reports.

6 25 1. Scrutinized companies list. Each public fund shall,
6 26 within thirty days after the scrutinized companies list is
6 27 created or updated as required by section 12H.3, make the list
6 28 available to the public.

6 29 2. Annual report. On October 1, 2012, and each October
6 30 1 thereafter, each public fund shall make available to the
6 31 public, and file with the general assembly, an annual report
6 32 covering the prior fiscal year that includes the following:

6 33 a. The scrutinized companies list as of the end of the
6 34 fiscal year.

6 35 b. A summary of all written notices sent as required by



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7 1 section 12H.3 during the fiscal year.
7 2 c. All investments sold, redeemed, divested, or withdrawn as
7 3 provided in section 12H.4 during the fiscal year.
7 4 Sec. 6. NEW SECTION. 12H.6 Legal obligations.
7 5 With respect to actions taken in compliance with this
7 6 chapter, including all good faith determinations regarding
7 7 companies as required by this chapter, the public fund
7 8 shall be exempt from any conflicting statutory or common law
7 9 obligations, including any such obligations in respect to
7 10 choice of asset managers, investment funds, or investments for
7 11 the public fund's securities portfolios.
7 12 Sec. 7. NEW SECTION. 12H.7 Applicability.
7 13 1. The requirements of sections 12H.3, 12H.4, and 12H.5
7 14 shall not apply upon the occurrence of any of the following:
7 15 a. The Congress or president of the United States, through
7 16 legislation or executive order, declares that mandatory
7 17 divestment of the type provided for in this chapter interferes
7 18 with the conduct of United States foreign policy.
7 19 b. A controlling circuit or district court of the United
7 20 States issues an opinion that declares the mandatory divestment
7 21 of the type provided for in this chapter or similar statutes
7 22 of other states is preempted by the federal law of the United
7 23 States.
7 24 2. The requirements of sections 12H.3, 12H.4, and 12H.5
7 25 shall not apply to Iran if the United States revokes all
7 26 sanctions imposed against the government of Iran.
7 27 Sec. 8. Section 12.8, unnumbered paragraph 1, Code 2011, is
7 28 amended to read as follows:
7 29 The treasurer of state shall invest or deposit, subject to
7 30 ~~chapter~~ chapters 12F and 12H and as provided by law, any of
7 31 the public funds not currently needed for operating expenses
7 32 and shall do so upon receipt of monthly notice from the
7 33 director of the department of administrative services of the
7 34 amount not so needed. In the event of loss on redemption or
7 35 sale of securities invested as prescribed by law, and if the



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8 1 transaction is reported to the executive council, neither the
8 2 treasurer nor director of the department of administrative
8 3 services is personally liable but the loss shall be charged
8 4 against the funds which would have received the profits or
8 5 interest of the investment and there is appropriated from the
8 6 funds the amount so required.

8 7 Sec. 9. Section 97A.7, subsection 1, Code 2011, is amended
8 8 to read as follows:

8 9 1. The board of trustees shall be the trustees of the
8 10 retirement fund created by this chapter as provided in section
8 11 97A.8 and shall have full power to invest and reinvest funds
8 12 subject to the terms, conditions, limitations, and restrictions
8 13 imposed by subsection 2 of this section and ~~chapter~~

~~8 14~~ chapters 12F and 12H, and subject to like terms, conditions,
8 15 limitations, and restrictions said trustees shall have full
8 16 power to hold, purchase, sell, assign, transfer, or dispose of
8 17 any of the securities and investments of the retirement fund
8 18 which have been invested, as well as of the proceeds of said
8 19 investments and any moneys belonging to the retirement fund.
8 20 The board of trustees may authorize the treasurer of state to
8 21 exercise any of the duties of this section. When so authorized
8 22 the treasurer of state shall report any transactions to the
8 23 board of trustees at its next monthly meeting.

8 24 Sec. 10. Section 97B.4, subsection 5, Code 2011, is amended
8 25 to read as follows:

8 26 5. Investments. The system, through the chief investment
8 27 officer, shall invest, subject to ~~chapter~~ chapters 12F and 12H
8 28 and in accordance with the investment policy and goal statement
8 29 established by the board, the portion of the retirement fund
8 30 which, in the judgment of the system, is not needed for
8 31 current payment of benefits under this chapter subject to the
8 32 requirements of section 97B.7A.

8 33 Sec. 11. Section 262.14, unnumbered paragraph 1, Code 2011,
8 34 is amended to read as follows:

8 35 The board may invest funds belonging to the institutions,



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9 1 subject to ~~chapter~~ chapters 12F and 12H and the following
9 2 regulations:
9 3 Sec. 12. Section 411.7, subsection 1, Code 2011, is amended
9 4 to read as follows:
9 5 1. The board of trustees is the trustee of the fire
9 6 and police retirement fund created in section 411.8 and
9 7 shall annually establish an investment policy to govern the
9 8 investment and reinvestment of the moneys in the fund, subject
9 9 to the terms, conditions, limitations, and restrictions imposed
9 10 by subsection 2 and ~~chapter~~ chapters 12F and 12H. Subject
9 11 to like terms, conditions, limitations, and restrictions
9 12 the system has full power to hold, purchase, sell, assign,
9 13 transfer, or dispose of any of the securities and investments
9 14 in which the fund has been invested, as well as of the proceeds
9 15 of the investments and any moneys belonging to the fund.
9 16 Sec. 13. Section 602.9111, subsection 1, Code 2011, is
9 17 amended to read as follows:
9 18 1. So much of the judicial retirement fund as may not be
9 19 necessary to be kept on hand for the making of disbursements
9 20 under this article shall be invested by the treasurer of
9 21 state in any investments authorized for the Iowa public
9 22 employees' retirement system in section 97B.7A and subject
9 23 to the requirements of ~~chapter~~ chapters 12F and 12H, and
9 24 the earnings therefrom shall be credited to the fund. The
9 25 treasurer of state may execute contracts and agreements with
9 26 investment advisors, consultants, and investment management and
9 27 benefit consultant firms in the administration of the judicial
9 28 retirement fund.

9 29 EXPLANATION

9 30 This bill restricts the treasurer of state, the state
9 31 board of regents, the Iowa public employees' retirement
9 32 system (IPERS), the public safety peace officers' retirement
9 33 system, the statewide fire and police retirement system, and
9 34 the judicial retirement system, defined as public funds, from
9 35 directly investing in certain companies with active business



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10 1 operations in Iran. The bill also adds notice requirements
10 2 as to the public funds relative to companies with inactive
10 3 business operations in Iran.
10 4 The bill requires each public fund to develop and maintain a
10 5 list of scrutinized companies with active and inactive business
10 6 operations in Iran that the fund has direct or indirect
10 7 holdings in or in which the fund may invest in the future. Each
10 8 public fund shall determine this list by July 1, 2011, and
10 9 update it on a quarterly basis. The bill defines "scrutinized
10 10 companies" as those companies that have contracts with the
10 11 government of Iran and involve some oil-related or power
10 12 production activities, or supply military equipment to Iran.
10 13 Once a company is listed on the scrutinized companies list of a
10 14 public fund, the bill requires the public fund to send a notice
10 15 to that company relative to the requirements of the bill. If
10 16 the company has inactive business operations, the notice shall
10 17 describe the requirements of the bill and encourage the company
10 18 not to engage in active business operations. If the company
10 19 has active business operations, the notice shall provide that
10 20 the company may qualify for divestment and other investment
10 21 restrictions by the public fund.
10 22 New Code section 12H.4 requires that a public fund not invest
10 23 in, and shall divest from, holdings in a scrutinized company
10 24 with active business operations. If the public fund has direct
10 25 holdings in the company, the public fund shall proceed to
10 26 divest all assets with that company in 18 months so long as the
10 27 company continues active business operations in Iran. The bill
10 28 provides that a public fund shall not be required to divest or
10 29 refrain from investing in a company if the federal government
10 30 so provides or the public fund has indirect holdings, and not
10 31 direct holdings, in that company. However, public funds are
10 32 encouraged to move their indirect holdings to funds that do not
10 33 include scrutinized companies with active business operations.
10 34 The bill defines indirect holdings to include shares in an
10 35 account or fund managed by persons not employed by the public



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11 1 fund, including mutual funds, private equity funds, and other
11 2 similar funds.

11 3 The bill further requires each public fund to prepare
11 4 and make available to the public, and file with the general
11 5 assembly, an annual report, beginning October 1, 2012,
11 6 concerning actions taken by the public fund relative to the
11 7 requirements of this new Code chapter in the previous fiscal
11 8 year.

11 9 The bill provides that the requirements of the bill cease
11 10 to be applicable to Iran if the United States revokes all
11 11 sanctions imposed against Iran, or if Congress or the president
11 12 of the United States declares that mandatory divestment is
11 13 contrary to United States foreign policy or a controlling
11 14 federal court declares the divestment requirements of the bill
11 15 or similar statutes from other states is preempted by federal
11 16 law.

LSB 1973YC (3) 84
aw/nh



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House Study Bill 142

HOUSE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON COWNIE)

A BILL FOR

1 An Act requiring a separate tally of absentee votes by
2 precinct.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2509YC (1) 84
sc/nh



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1 1 Section 1. Section 49.31, subsection 7, Code 2011, is
1 2 amended to read as follows:
1 3 7. For the purpose of ballot rotation the absentee ballot
1 4 and special voters precinct ~~may~~ shall not be considered a
1 5 separate precinct.
1 6 Sec. 2. Section 49.57, Code 2011, is amended by adding the
1 7 following new subsection:
1 8 NEW SUBSECTION. 8. Absentee ballots tabulated by an optical
1 9 scan voting system shall be coded with the resident precinct
1 10 number of the absentee voter. Absentee ballots counted by hand
1 11 shall include the resident precinct number of the absentee
1 12 voter.
1 13 Sec. 3. Section 52.33, Code 2011, is amended by adding the
1 14 following new subsection:
1 15 NEW SUBSECTION. 1A. For absentee ballots tabulated using
1 16 an optical scan voting system, the tabulating device shall be
1 17 programmed to produce a report showing the resident precinct
1 18 of the absentee voter.
1 19 Sec. 4. Section 53.23, subsection 2, Code 2011, is amended
1 20 to read as follows:
1 21 2. The board's powers and duties shall be the same as those
1 22 provided in chapter 50 for precinct election officials in
1 23 regular precinct polling places. However, the election board
1 24 of the special precinct shall receive from the commissioner and
1 25 count all absentee ballots for all precincts in the county;
1 26 when two or more political subdivisions in the county hold
1 27 elections simultaneously the special precinct election board
1 28 shall count absentee ballots cast in all of the elections so
1 29 held. The tally list shall be recorded on forms prescribed by
1 30 the state commissioner. The board shall also record a separate
1 31 tally of the votes for each candidate by resident precinct of
1 32 the absentee voter. The separate tally list shall be on a form
1 33 prescribed by the state commissioner and, upon request, shall
1 34 be made available for public inspection.

1 35 EXPLANATION



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2 1 This bill provides that the absentee ballot and special
2 2 voters precinct board shall record a separate tally of votes by
2 3 resident precinct of the absentee voter. The separate tally
2 4 shall be available for public inspection upon request.
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House Study Bill 143

HOUSE FILE

BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON TJEPKES)

A BILL FOR

- 1 An Act concerning implementation of a statewide program
- 2 for electronic registration and titling of vehicles and
- 3 including effective date provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2429YC (5) 84
dea/nh



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1 1 Section 1. Section 321.20, subsection 2, Code 2011, is
1 2 amended to read as follows:

1 3 2. Notwithstanding contrary provisions of this chapter or
1 4 chapter 326 regarding titling and registration by means other
1 5 than electronic means, the department may ~~develop and implement~~
1 6 do all of the following:

1 7 a. Develop and implement a program for electronic funds
1 8 transfer for transactions involving vehicles subject to
1 9 registration.

1 10 b. Develop a program to allow for electronic applications,
1 11 titling, and registering, and electronic funds transfer for
1 12 vehicles subject to registration in order to improve the
1 13 efficiency and timeliness of the processes and to reduce costs
1 14 for all parties involved. The department may implement a pilot
1 15 project to evaluate the program developed under this paragraph.

1 16 c. On or after July 1, 2012, the department may implement
1 17 the program developed pursuant to paragraph "b" on a statewide
1 18 basis.

1 19 Sec. 2. 2010 Iowa Acts, chapter 1109, section 1, is amended
1 20 to read as follows:

1 21 SEC. 1. ELECTRONIC VEHICLE REGISTRATION AND TITLING ====

1 22 INTENT. It is the intent of the general assembly to establish
1 23 a uniform statewide system to allow electronic transactions
1 24 for the initial registration and titling of motor vehicles,
1 25 including electronic applications, electronic issuance of
1 26 titles, electronic registration, electronic transfer of funds,
1 27 electronic perfection of liens, and issuance of secure and
1 28 individually identifiable temporary registration cards, ~~by~~
1 29 ~~January 1, 2012.~~

1 30 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 31 immediate importance, takes effect upon enactment.

1 32 EXPLANATION

1 33 Under current law, the department of transportation is
1 34 authorized to develop and implement a program to allow for
1 35 electronic applications, titling, registering, and electronic



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2 1 funds transfer for vehicles subject to registration. This
2 2 bill allows the department to move forward with the electronic
2 3 funds transfer element of the program, but temporarily limits
2 4 the implementation of electronic applications, titling, and
2 5 registration to a pilot project for purposes of evaluating the
2 6 program.

2 7 The bill authorizes the department to move forward with a
2 8 statewide program for electronic applications, titling, and
2 9 registration on or after July 1, 2012.

2 10 The bill amends language enacted in 2010 which expresses
2 11 the general assembly's intent to establish a uniform statewide
2 12 system for electronic registration and titling by January 1,
2 13 2012, by removing the specified date.

2 14 The bill takes effect upon enactment.

LSB 2429YC (5) 84

dea/nh



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House Study Bill 144

HOUSE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON
FORRISTALL)

A BILL FOR

1 An Act relating to the use of a high school proficiency
2 examination as a condition of graduation and for payment
3 of school foundation aid funding to community colleges and
4 regents universities on behalf of certain students who pass
5 the examination.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSE 1030YC (2) 84
kh/nh



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1 1 Section 1. Section 256.7, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 31. Adopt rules requiring school districts
1 4 to administer to secondary students at least annually,
1 5 beginning not later than the 2014=2015 school year, the
1 6 statewide high school proficiency examination developed and
1 7 distributed pursuant to section 256.9, subsection 62. The
1 8 rules shall provide for alternative pathways to graduation and
1 9 for a timeline for the administration of the examination, and
1 10 shall require school districts to administer the examination
1 11 to secondary school students, including students attending
1 12 accredited nonpublic schools located within the school district
1 13 and students receiving competent private instruction pursuant
1 14 to chapter 299A, if a student and the student's parent or
1 15 guardian submit a written request to the school district.
1 16 Sec. 2. Section 256.9, Code 2011, is amended by adding the
1 17 following new subsection:
1 18 NEW SUBSECTION. 62. a. Develop, together with the
1 19 state board of regents, a statewide high school proficiency
1 20 examination designed to measure cumulative high school
1 21 achievement in the attainment of knowledge and skills specified
1 22 in the state's core curriculum content standards. The
1 23 examination shall be designed to be utilized for the following
1 24 purposes:
1 25 (1) By school districts, which shall administer the
1 26 examination to secondary school students who must pass the
1 27 examination as a condition of graduation except as provided in
1 28 paragraph "b".
1 29 (2) By a student enrolled in a school district in order
1 30 to graduate from high school, qualify for admission to an
1 31 institution of higher learning governed by the state board of
1 32 regents, or to qualify for state school foundation aid pursuant
1 33 to section 257.52.
1 34 (3) By students attending accredited nonpublic schools or
1 35 students receiving competent private instruction under chapter



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2 1 299A in order to qualify for admission to an institution of
2 2 higher learning governed by the state board of regents or to
2 3 qualify for state school foundation aid pursuant to section
2 4 257.52.
2 5 (4) By institutions of higher learning governed by the
2 6 state board of regents as an entrance examination for students
2 7 who qualify for weighting under section 257.6, subsection 1,
2 8 paragraph "a", subparagraph (02).
2 9 b. Develop alternative assessment measures, which school
2 10 districts may administer to certain students in lieu of the
2 11 statewide high school proficiency examination. The alternative
2 12 assessment measures shall be designed to measure high school
2 13 competency in the attainment of the knowledge and skills
2 14 specified in the state's core curriculum content standards
2 15 of students with special needs, including but not limited to
2 16 students with disabilities, English language learners, and
2 17 general education students who can demonstrate mastery of the
2 18 state's core curriculum content standards using an alternative
2 19 assessment measure.
2 20 Sec. 3. Section 257.6, subsection 1, paragraph a, Code 2011,
2 21 is amended by adding the following new subparagraph:
2 22 NEW SUBPARAGRAPH. (02) Full-time equivalent resident
2 23 pupils who pass the statewide high school proficiency
2 24 examination developed and distributed pursuant to section
2 25 256.9, subsection 62, prior to the pupil's senior year of high
2 26 school if the pupil is admitted to an Iowa community college
2 27 or institution of higher learning governed by the state board
2 28 of regents. A pupil who is admitted to an Iowa community
2 29 college or institution of higher learning governed by the
2 30 state board of regents shall not be included in the district's
2 31 enrollment for purposes of this chapter if the pupil was
2 32 eligible to receive a diploma with the class in which they were
2 33 enrolled prior to taking the statewide high school proficiency
2 34 examination and that class graduated the previous school year.
2 35 Sec. 4. NEW SECTION. 257.52 High school scholarship



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3 1 payments.

3 2 1. Each community college and each institution of higher
3 3 learning governed by the state board of regents that admits a
3 4 person who prior to the person's senior year of high school
3 5 successfully passed the statewide high school proficiency
3 6 examination administered pursuant to section 256.9, subsection
3 7 62, shall, if the person is enrolled in a school district and
3 8 included in a school district's actual enrollment in accordance
3 9 with section 257.6, notify the department of management of the
3 10 admission and the name of the school district in which the
3 11 student is enrolled.

3 12 2. The department of management shall deduct from the
3 13 amounts calculated for state school foundation aid for each
3 14 school district the amount generated by each pupil pursuant to
3 15 section 257.6, subsection 1, paragraph "a", subparagraph (02)
3 16 for each school district from the state aid due to the district
3 17 pursuant to this chapter and shall pay the amounts to the Iowa
3 18 community college or institution of higher learning governed
3 19 by the state board of regents in which the person is admitted
3 20 pursuant to subsection 1 on a monthly basis from September
3 21 15 through June 15 during each school year. The community
3 22 college or institution paid pursuant to this subsection shall
3 23 reduce the tuition charged to a person admitted as a student
3 24 pursuant to subsection 1 by an amount equivalent to the amount
3 25 paid to the community college or institution pursuant to this
3 26 subsection. The department of management shall notify each
3 27 school district of the amount of state aid deducted for these
3 28 purposes and the balance of state aid shall be paid to the
3 29 district.

3 30 Sec. 5. STATE MANDATE FUNDING SPECIFIED. In accordance
3 31 with section 25B.2, subsection 3, the state cost of requiring
3 32 compliance with any state mandate included in this Act shall
3 33 be paid by a school district from state school foundation aid
3 34 received by the school district under section 257.16. This
3 35 specification of the payment of the state cost shall be deemed



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4 1 to meet all of the state funding-related requirements of
4 2 section 25B.2, subsection 3, and no additional state funding
4 3 shall be necessary for the full implementation of this Act
4 4 by and enforcement of this Act against all affected school
4 5 districts.

4 6 EXPLANATION

4 7 This bill requires the department of education to develop
4 8 and distribute, and requires school districts to administer,
4 9 a high school proficiency examination to measure cumulative
4 10 student competency in the attainment of the knowledge and
4 11 skills specified in the state's core curriculum content
4 12 standards as a condition of graduation. The bill also provides
4 13 for the payment of state school foundation aid funding to a
4 14 community college or regents university for the postsecondary
4 15 tuition costs of a high school student who passes the
4 16 examination prior to the student's senior year of high school.

4 17 The state board of education is directed to adopt rules
4 18 requiring school districts to administer the examination at
4 19 least annually, beginning not later than the 2014=2015 school
4 20 year, to secondary students, including those attending an
4 21 accredited nonpublic school and receiving competent private
4 22 instruction if the student and the student's parent or guardian
4 23 submit a written request to the school district. The rules
4 24 shall provide for a timeline for the administration of the
4 25 examination and alternative measurements for students with
4 26 special needs, English language learners, and general education
4 27 students who can demonstrate mastery using alternative
4 28 measures.

4 29 To qualify for state school foundation aid for purposes of
4 30 paying tuition at a community college or regents university,
4 31 a student shall be enrolled in the student's school district
4 32 of residence on or before October 1 of the school year prior
4 33 to the year in which the student will attend an Iowa community
4 34 college or regents university.

4 35 The examination shall qualify as an entrance examination for



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5 1 admission to regents universities for students who qualify for
5 2 state school foundation aid by passing the examination prior to
5 3 their senior year.

5 4 Full-time equivalent resident pupils who pass the statewide
5 5 high school proficiency examination prior to the pupil's senior
5 6 year of high school are included in the school district's
5 7 actual enrollment and assigned a weighting of one if the
5 8 pupil is admitted to an Iowa community college or regents
5 9 university. However, the pupil is ineligible to be included in
5 10 the district's enrollment if the pupil was eligible to receive
5 11 a diploma with the class in which they were enrolled prior to
5 12 taking the examination and that class graduated the previous
5 13 school year.

5 14 Each community college and regents university that admits
5 15 a person who prior to the student's senior year of high
5 16 school successfully passed the examination shall, if the
5 17 person is enrolled in a school district and included in a
5 18 school district's actual enrollment, notify the department of
5 19 management of the admission and the name of the school district
5 20 in which the student is enrolled. The department of management
5 21 shall deduct from the amounts calculated for state school
5 22 foundation aid for each school district the amount generated
5 23 by such pupil for each school district from the state aid due
5 24 to the district and shall pay the amounts to the community
5 25 college or regents university in which the pupil is admitted.
5 26 The community college or regents university shall reduce the
5 27 tuition charged to such a student by an amount equivalent to
5 28 the amount paid to the community college or university.

5 29 The bill may include a state mandate as defined in Code
5 30 section 25B.3. The bill requires that the state cost of
5 31 any state mandate included in the bill be paid by a school
5 32 district from state school foundation aid received by the
5 33 school district under Code section 257.16. The specification
5 34 is deemed to constitute state compliance with any state mandate
5 35 funding-related requirements of Code section 25B.2. The



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6 1 inclusion of this specification is intended to reinstate the
6 2 requirement of political subdivisions to comply with any state
6 3 mandates included in the bill.

LSB 1030YC (2) 84

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House Study Bill 145

SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
BILL)

A BILL FOR

1 An Act creating an Iowa preschool scholarship program for
2 four-year-old children, repealing the statewide preschool
3 program for four-year-old children, and including effective
4 date and applicability provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2333XL (7) 84

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PAG LIN

1 1 DIVISION I
1 2 STATEWIDE PRESCHOOL PROGRAM FOR FOUR=YEAR=OLD CHILDREN
1 3 Section 1. Section 237A.21, subsection 3, paragraph p, Code
1 4 2011, is amended to read as follows:
1 5 p. One person who is part of a local program implementing
1 6 the ~~statewide~~ preschool program for four=year=old children
1 7 under chapter ~~256C~~ 256J.
1 8 Sec. 2. Section 237A.22, subsection 1, paragraph f, Code
1 9 2011, is amended to read as follows:
1 10 f. Make recommendations for improving collaborations between
1 11 the child care programs involving the department and programs
1 12 supporting the education and development of young children
1 13 including but not limited to the federal head start program,
1 14 ~~the statewide preschool program for four-year-old children~~
1 15 and the early childhood, at=risk, and other early education
1 16 programs administered by the department of education.
1 17 Sec. 3. Section 256.11, subsection 1, paragraph c, Code
1 18 2011, is amended to read as follows:
1 19 c. For the purposes of this subsection, "prekindergarten
1 20 program" includes but is not limited to a school district's
1 21 implementation of the preschool program established pursuant to
1 22 chapter ~~256C~~ 256J.
1 23 Sec. 4. Section 257.16, subsection 1, Code 2011, is amended
1 24 to read as follows:
1 25 1. There is appropriated each year from the general fund
1 26 of the state an amount necessary to pay the foundation aid
1 27 under this chapter, ~~the preschool foundation aid under chapter~~
1 28 ~~256C~~, supplementary aid under section 257.4, subsection 2, and
1 29 adjusted additional property tax levy aid under section 257.15,
1 30 subsection 4.
1 31 Sec. 5. Section 272.2, subsection 18, Code 2011, is amended
1 32 to read as follows:
1 33 18. May adopt rules for practitioners who are not eligible
1 34 for a statement of professional recognition under subsection
1 35 10, but have received a baccalaureate degree and provide a



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2 1 service to students at any or all levels from prekindergarten
2 2 through grade twelve for a school district, accredited
2 3 nonpublic school, area education agency, or preschool program
2 4 established pursuant to chapter ~~256C~~ 256J.
2 5 Sec. 6. Section 285.1, subsection 1, paragraph a,
2 6 subparagraph (3), Code 2011, is amended to read as follows:
2 7 (3) Children attending prekindergarten programs offered or
2 8 sponsored by the district or nonpublic school and approved by
2 9 the department of education or department of human services
2 10 or children participating in preschool in an approved local
2 11 program under chapter ~~256C~~ 256J may be provided transportation
2 12 services. However, transportation services provided to
2 13 nonpublic school children are not eligible for reimbursement
2 14 under this chapter.
2 15 Sec. 7. REPEAL. Chapter 256C, Code 2011, is repealed.
2 16 Sec. 8. EFFECTIVE DATE AND APPLICABILITY. This division of
2 17 this Act takes effect July 1, 2011, and applies to budget years
2 18 beginning on or after July 1, 2011.
2 19 DIVISION II
2 20 PRESCHOOL PROGRAM FOR FOUR=YEAR=OLD CHILDREN
2 21 Sec. 9. NEW SECTION. 256J.1 Definitions.
2 22 As used in this chapter:
2 23 1. "Department" means the department of education.
2 24 2. "Director" means the director of the department of
2 25 education.
2 26 3. "Eligible school district" or "school district" means
2 27 a school corporation organized under chapter 274 that meets
2 28 the requirements of section 256J.3, subsection 4, and has been
2 29 approved by the department to implement preschool programs as
2 30 provided in this chapter.
2 31 4. "Preschool scholarship" means the state funding allocated
2 32 to school districts to pay tuition for eligible children
2 33 enrolled in preschool programs implemented pursuant to this
2 34 chapter.
2 35 5. "Private education partner" means a private preschool



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3 1 provider that may submit claims for reimbursement to a school
3 2 district for providing high=quality preschool instruction to
3 3 four=year=old children receiving scholarships in accordance
3 4 with this chapter.

3 5 6. "State board" means the state board of education.

3 6 Sec. 10. NEW SECTION. 256J.2 Preschool program for
3 7 four=year=old children ==== scholarships ==== purpose.

3 8 1. A preschool program for four=year=old children is
3 9 established in the department to provide an opportunity for
3 10 all eligible children, including economically disadvantaged
3 11 children, to enter school ready to learn. The purpose
3 12 of the preschool scholarship program shall be to provide
3 13 scholarships to pay for eligible four=year=old children to
3 14 attend high=quality preschool provided by school districts or
3 15 private education partners.

3 16 2. The state board shall adopt rules pursuant to chapter
3 17 17A, and may adopt emergency rules under section 17A.4,
3 18 subsection 3, and section 17A.5, subsection 2, paragraph "b", as
3 19 necessary to implement this chapter.

3 20 Sec. 11. NEW SECTION. 256J.3 Preschool program
3 21 requirements.

3 22 1. Eligible children. A child who is a resident of Iowa
3 23 and is four years of age on or before September 15 of a school
3 24 year is eligible to enroll, based on order of registration, in
3 25 a preschool program implemented pursuant to this chapter and
3 26 may be eligible for a preschool scholarship based upon the most
3 27 current sliding tuition scale determined and published by the
3 28 department in accordance with subsection 5. A school district
3 29 approved to participate in the preschool program pursuant
3 30 to this chapter may enroll a younger child in the preschool
3 31 program if space is available; however, the child shall not
3 32 be counted in the preschool enrollment count for preschool
3 33 scholarship funding purposes under section 256J.5.

3 34 a. A family may choose to enroll the family's four=year=
3 35 old child in an approved school district preschool program or a



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4 1 preschool program implemented by a private education partner.
4 2 Families shall complete all enrollment requirements, including
4 3 but not limited to income verification.
4 4 b. A school district or a private education partner may
4 5 charge tuition for children participating in the preschool
4 6 program, but shall not charge more for tuition than the amount
4 7 determined and published by the department. All families
4 8 enrolling eligible children are required to pay tuition based
4 9 on income and the most current sliding tuition scale determined
4 10 and published by the department.
4 11 2. Teacher requirements.
4 12 a. An individual serving as a preschool teacher in the
4 13 preschool program for four-year-old children shall be employed
4 14 by or under contract with the approved school district or by a
4 15 private education partner located within the approved school
4 16 district's boundaries and shall meet one of the following
4 17 qualifications:
4 18 (1) The individual is appropriately licensed under chapter
4 19 272 and meets the requirements of chapter 284.
4 20 (2) The individual possesses, or is working toward
4 21 obtaining within two years of starting employment under this
4 22 subsection, an early childhood certificate of eligibility
4 23 issued under chapter 272, and meets either of the following
4 24 conditions:
4 25 (a) Holds a bachelor's or graduate degree from an accredited
4 26 college or university.
4 27 (b) Holds an associate of arts degree and is working
4 28 toward obtaining a bachelor's degree within three years. This
4 29 subparagraph division (b) is repealed August 31, 2014.
4 30 b. A preschool teacher in an approved preschool program
4 31 shall collaborate with other agencies, organizations, and
4 32 boards in the community to further the program's capacity to
4 33 meet the diverse needs of the children enrolled in the program
4 34 and the families of the children, such as needs for early
4 35 care, health, and human services. In addition, the approved



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5 1 preschool program shall work to maintain relationships with
5 2 each child's family in order to enhance the child's development
5 3 in all settings by collaborating with providers of parent
5 4 education and family support opportunities.
5 5 3. Program requirements ==== program approval. The state board
5 6 shall adopt rules to further define the following preschool
5 7 program requirements, which shall be used to determine whether
5 8 or not a local program implemented by a school district or
5 9 private education partner qualifies for approval to implement a
5 10 preschool program:
5 11 a. Maximum and minimum teacher=to=child ratios and class
5 12 sizes.
5 13 b. Applicable state and federal program standards.
5 14 c. Student learning standards.
5 15 d. Applicable comprehensive statewide child assessment
5 16 determined by the department.
5 17 e. Provisions for the integration of children from other
5 18 state and federally funded preschools.
5 19 f. Collaboration with participating families, early care
5 20 providers, and community partners including but not limited
5 21 to early childhood Iowa area boards, head start programs,
5 22 shared visions, licensed child care centers, registered child
5 23 development homes, early childhood special education programs,
5 24 services funded by Tit. I of the federal Elementary and
5 25 Secondary Education Act of 1965, and family support programs.
5 26 g. A minimum of ten hours per week, thirty=four weeks per
5 27 year, of instruction delivered on the skills and knowledge
5 28 included in the student learning standards developed for the
5 29 preschool program.
5 30 h. Family involvement in the preschool program.
5 31 i. Provision for ensuring that children receiving care from
5 32 other child care arrangements can participate in the preschool
5 33 program with minimal disruption due to transportation and
5 34 movement from one site to another.
5 35 4. School district requirements. The state board shall



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6 1 adopt rules to further define the following requirements for
6 2 school districts implementing a preschool program pursuant to
6 3 this chapter:
6 4 a. Collect documentation of school district and private
6 5 education partner readiness to meet program requirements. The
6 6 school district shall submit documentation to the department
6 7 that demonstrates that the school district contacted all
6 8 known potential private education partners within the school
6 9 district, including but not limited to, and only as applicable,
6 10 accredited nonpublic schools and faith-based preschools,
6 11 the early childhood Iowa area board, the federal head start
6 12 program, shared visions and other programs provided under the
6 13 auspices of the child development coordinating council, and
6 14 center-based providers of child care services.
6 15 b. Collaborate with all approved high-quality preschool
6 16 program sites in the district to better serve children enrolled
6 17 in the preschool program in the following ways:
6 18 (1) Extending the day, for children eligible for preschool
6 19 scholarships, through other state funding and federal funding,
6 20 including but not limited to funding available through early
6 21 childhood Iowa area boards, federal head start programs, shared
6 22 visions and other programs provided under the auspices of the
6 23 child development coordinating council, licensed child care
6 24 centers, registered child development homes, early childhood
6 25 special education programs, services funded by Tit. I of the
6 26 federal Elementary and Secondary Education Act of 1965, and
6 27 family support programs.
6 28 (2) Promoting family involvement through family support
6 29 programs as well as district programs.
6 30 c. Participate in data collection and performance
6 31 measurement processes and reporting, including reporting fall
6 32 and spring applicable comprehensive statewide child assessment
6 33 data as specified by the department.
6 34 d. Identify eligible children through targeted outreach to
6 35 all families in partnership with the early childhood Iowa area



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7 1 board.

7 2 e. Collect information regarding and verify family income to

7 3 implement the sliding tuition scale determined and published by

7 4 the department in accordance with subsection 5.

7 5 f. Address professional development for school district

7 6 preschool teachers in the school district's professional

7 7 development plan implemented in accordance with section 284.6.

7 8 g. Collaborate with private education partners to provide a

7 9 coordinated system of appropriate professional development for

7 10 preschool teachers and staff employed in the preschool program.

7 11 h. Pay only those claims submitted by the school district's

7 12 private education partners which are verified by the process

7 13 set forth in section 279.29.

7 14 5. Department requirements. The department shall do the

7 15 following:

7 16 a. Implement an application and approval process for school

7 17 district participation in the preschool program that includes

7 18 but is not limited to the enrollment requirements provided

7 19 under subsection 1.

7 20 b. Track the progress of all children served by a school

7 21 district preschool program and by the school district's private

7 22 education partners and track the children's performance in

7 23 elementary and secondary education.

7 24 c. Implement procedures to monitor the quality of the

7 25 programming provided under the preschool program at all school

7 26 district and private education partner sites.

7 27 d. Determine a statewide comprehensive child assessment to

7 28 measure child outcomes for all children participating in the

7 29 preschool program at school districts and private education

7 30 partner sites.

7 31 e. Submit an annual report to the governor, the general

7 32 assembly, the early childhood Iowa state board, and the child

7 33 development coordinating council.

7 34 (1) The early childhood Iowa state board and the child

7 35 development coordinating council shall advise the department



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8 1 regarding collaboration of high-quality preschool programs for
8 2 eligible children.

8 3 (2) The early childhood Iowa state board shall promote
8 4 the preschool program in local communities to increase family
8 5 awareness of quality preschool programs and scholarship
8 6 opportunities.

8 7 (3) The early childhood Iowa area boards shall collaborate
8 8 with school districts and their private education partners to
8 9 strengthen preschool quality.

8 10 f. Develop a statewide list of approved school district
8 11 and private education partner preschool programs and publish
8 12 the list on its website. The list shall include information
8 13 about preschool scholarships and the sliding tuition scale in
8 14 addition to other information for families.

8 15 g. Develop and review annually a sliding tuition scale for
8 16 purposes of granting preschool program scholarships to families
8 17 whose incomes are at or below three hundred percent of the
8 18 federal poverty level as defined by the most recently revised
8 19 poverty income guidelines published by the United States
8 20 department of health and human services.

8 21 Sec. 12. NEW SECTION. 256J.4 Funding provisions ====
8 22 enrollment.

8 23 1. General.

8 24 a. State funding provided for preschool scholarships shall
8 25 be allocated to school districts for each school year based
8 26 upon the amount appropriated and the funding formula set forth
8 27 in section 256J.5.

8 28 b. Except as otherwise provided in chapter 298A, a school
8 29 district approved to participate in the preschool program may
8 30 authorize expenditures for the school district's preschool
8 31 programming from any of the revenue sources available to the
8 32 district from the sources listed in chapter 298A, provided the
8 33 expenditures are within the uses permitted for the revenue
8 34 source. In addition, the use of the revenue source for
8 35 preschool programming must have been approved prior to any



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- 9 1 expenditure from the revenue source for the school district's
9 2 preschool program.
- 9 3 c. Funding provided for the preschool program pursuant to
9 4 this chapter is intended to supplement, not supplant, existing
9 5 public funding for preschool programming.
- 9 6 d. Preschool scholarship funding shall not be commingled
9 7 with the other state aid payments made under section 257.16
9 8 to a school district and shall be accounted for by the school
9 9 district separately from the other state aid payments.
- 9 10 Preschool scholarship payments made to school districts are
9 11 miscellaneous income for purposes of chapter 257. A school
9 12 district shall maintain a separate listing within its budget
9 13 for preschool scholarship payments received and expenditures
9 14 made. A school district shall certify to the department that
9 15 preschool scholarship funding received by the school district
9 16 was used to supplement, not supplant, moneys otherwise received
9 17 and used by the school district for preschool programming.
- 9 18 e. Preschool scholarship funding shall not be used for the
9 19 costs of constructing a facility in connection with a school
9 20 district or private education partner preschool program.
- 9 21 f. Preschool scholarship funding received by a school
9 22 district or private education partner may be used in
9 23 conjunction with funding from family=paid tuition to support
9 24 the school district or private education partner in providing
9 25 the preschool program. Not more than five percent of the
9 26 scholarship funding received annually by a school district
9 27 shall be used for the costs of supervising the program.
- 9 28 2. Eligible student enrollment.
- 9 29 a. To be included as an eligible student in the preschool
9 30 enrollment count by a school district, a child shall meet the
9 31 requirements of section 256J.3, subsection 1, and shall be
9 32 enrolled in and attending a preschool program implemented by
9 33 a school district or a school district's private education
9 34 partner.
- 9 35 b. The enrollment count for the preschool program shall



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10 1 include all eligible children who are enrolled in and attending
10 2 a preschool program implemented by a school district and the
10 3 school district's private education partners shall be collected
10 4 by the school district on the date prescribed in section 257.6
10 5 and shall be certified to the department by the school district
10 6 by October 15.
10 7 Sec. 13. NEW SECTION. 256J.5 State funding allocation ====
10 8 expenditure limitation.
10 9 1. State funding.
10 10 a. Allocation formula. For each fiscal year in which
10 11 moneys are appropriated by the general assembly for purposes
10 12 of the preschool program for four-year-old children, preschool
10 13 scholarship funding shall be allocated to approved school
10 14 districts on a per pupil basis calculated on the proportion
10 15 that the number of the approved school district's first grade
10 16 children who are eligible for free or reduced price meals under
10 17 the federal Healthy, Hungry-Free Kids Act of 2010, Pub. L. No.
10 18 111-296, multiplied by the average of the previous three years
10 19 of certified kindergarten enrollment, bears to the sum of the
10 20 number of first grade children in all approved school districts
10 21 who are eligible for free or reduced price meals under the
10 22 federal Healthy, Hungry-Free Kids Act of 2010, Pub. L. No.
10 23 111-296, multiplied by the average of the previous three years
10 24 of certified kindergarten enrollment in all approved school
10 25 districts in the state for the base year.
10 26 b. Redistribution of state funding. Based on the October
10 27 1 certified preschool enrollment count determined pursuant to
10 28 section 256J.4, subsection 2, the department shall evaluate
10 29 the needs of approved school districts and approved private
10 30 education partners and shall take action to redistribute unused
10 31 state funding as appropriate.
10 32 c. Limited purpose. State funds provided for purposes
10 33 of this chapter shall not be expended for any purpose not
10 34 expressly authorized in this chapter or in administrative rules
10 35 adopted to administer this chapter.



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11 1 2. Program sites ==== conditional allocation. A school
11 2 district shall not receive preschool scholarship funding
11 3 without school district or private education partner preschool
11 4 program sites.
11 5 3. Program continuation subject to approval. For subsequent
11 6 budget years, continuation of a school district's participation
11 7 in the preschool program is subject to the approval of the
11 8 department based upon the school district's compliance with
11 9 accountability provisions and the department's on-site review
11 10 of the school district's implementation of the preschool
11 11 program.
11 12 4. Insufficient funding. If the amount appropriated
11 13 annually for purposes of this section is not sufficient to
11 14 pay the total allocation to approved school districts, the
11 15 allocation shall be based on the proportion that the total
11 16 allocation for each approved school district bears to the sum
11 17 of the total allocations to all approved school districts.
11 18 5. Payments to private education partners. Reimbursements
11 19 shall be provided to private education partners by approved
11 20 school districts on a monthly basis, beginning with the month
11 21 in which the school district receives payment under subsection
11 22 1, paragraph "a", subparagraph (1), and ending in July, upon
11 23 submission and verification of actual instructional costs
11 24 incurred in the school year.
11 25 6. Department administration and oversight. Except as
11 26 otherwise provided by law for a fiscal year, of the amount
11 27 appropriated by the general assembly for a fiscal year for
11 28 purposes of this chapter, the department may use an amount
11 29 sufficient to fund up to four full-time equivalent positions
11 30 which shall be in addition to the number of positions
11 31 authorized for the department for the fiscal year to provide
11 32 administration and oversight of the preschool program.
11 33 Oversight shall include but not be limited to data collection
11 34 requirements, maintenance of website listings of high-quality
11 35 school district and private education partners providing



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12 1 preschool programs, and assessment results.
12 2 7. Open enrollment not applicable. Section 282.18 shall not
12 3 apply to preschool programs implemented under this chapter.
12 4 However, approved programs shall be open to all eligible Iowa
12 5 children, regardless of a child's district of residence.
12 6 8. Participation in preschool not good cause. Participation
12 7 by a child in an approved preschool program under this chapter
12 8 does not qualify as "good cause", as defined in section
12 9 282.18, subsection 4, paragraph "b", for purposes of claiming
12 10 continuous enrollment in a school district other than the
12 11 district of residence.

12 12 Sec. 14. Section 272.2, Code 2011, is amended by adding the
12 13 following new subsection:

12 14 NEW SUBSECTION. 19. Adopt rules establishing an early
12 15 childhood certificate of eligibility for individuals who meet
12 16 the requirements of section 256J.3, subsection 2, paragraph
12 17 "a", subparagraph (2), for preschool teachers. The rules for
12 18 obtaining such a certificate shall require that an applicant
12 19 successfully complete twelve hours of coursework from an
12 20 accredited institution of higher education in early childhood
12 21 education, child development, elementary education, or
12 22 early childhood special education, and this coursework shall
12 23 encompass child development and learning of children from birth
12 24 through kindergarten; family and community relationships;
12 25 observing, documenting, and assessing young children; teaching
12 26 and learning; and professional practices and development.

12 27 EXPLANATION

12 28 This bill establishes a preschool scholarship program for
12 29 four-year-old children in new Code chapter 256J. The bill
12 30 also repeals the statewide voluntary preschool program for
12 31 four-year-old children in Code chapter 256C effective July 1,
12 32 2011, along with the associated school aid funding provisions.

12 33 The bill is organized in two divisions. Division I provides
12 34 for the repeal of the statewide voluntary preschool program and
12 35 makes conforming changes.



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13 1 Division II establishes a preschool program for
13 2 four=year=old children in the department of education to
13 3 provide an opportunity for all eligible children, including
13 4 economically disadvantaged children, to enter school ready to
13 5 learn. The purpose of the preschool scholarship program shall
13 6 be to provide scholarships to pay for eligible four=year=old
13 7 children to attend high=quality preschool provided by school
13 8 districts or private education partners.
13 9 RULES. The state board of education is directed to adopt
13 10 rules to implement the Code chapter and may adopt emergency
13 11 rules as necessary to implement the Code chapter.
13 12 ELIGIBLE CHILDREN. A child who is a resident of Iowa and
13 13 is four years of age on or before September 15 of a school
13 14 year is eligible to enroll, based on order of registration,
13 15 in a preschool program and may be eligible for a preschool
13 16 scholarship. The scholarship amount is based upon the most
13 17 current sliding tuition scale determined and published by the
13 18 department. A school district approved to participate in the
13 19 preschool program may enroll a younger child in the preschool
13 20 program if space is available; however, the child shall not
13 21 be counted in the preschool enrollment count for preschool
13 22 scholarship funding purposes.
13 23 A family may choose to enroll the family's four=year=old
13 24 child in an approved school district program or a preschool
13 25 program implemented by a private education partner. Families
13 26 must complete all enrollment requirements, including but not
13 27 limited to income verification.
13 28 A school district or a private education partner of the
13 29 school district may charge tuition for children participating
13 30 in the program, but shall not charge more for tuition than
13 31 the amount determined and published by the department. All
13 32 families enrolling eligible children are required to pay
13 33 tuition based on income and the most current sliding tuition
13 34 scale determined and published by the department.
13 35 TEACHER REQUIREMENTS. An individual serving as a preschool



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14 1 teacher in the program shall be employed by or under contract
14 2 with the approved school district or by a private education
14 3 partner located within the approved school district's
14 4 boundaries and shall either be a licensed teacher who meets the
14 5 requirements of the student achievement and teacher quality
14 6 program; or shall possess, or be working toward obtaining
14 7 within two years of starting employment as a preschool teacher,
14 8 an early childhood certificate of eligibility issued under Code
14 9 chapter 272, and either hold a bachelor's or graduate degree
14 10 from an accredited college or university or hold an associate
14 11 of arts degree and be working toward obtaining a bachelor's
14 12 degree within three years. The provision relating to the
14 13 associate degree, however, is repealed August 31, 2014.

14 14 EARLY CHILDHOOD CERTIFICATE OF ELIGIBILITY RULE
14 15 REQUIREMENTS. The bill requires the board of educational
14 16 examiners to adopt rules establishing an early childhood
14 17 certificate of eligibility. The rules shall require that
14 18 an applicant successfully complete 12 hours of coursework
14 19 from an accredited institution of higher education in early
14 20 childhood education, child development, elementary education,
14 21 or early childhood special education, and this coursework shall
14 22 encompass child development and learning of children from birth
14 23 through kindergarten; family and community relationships;
14 24 observing, documenting, and assessing young children; teaching
14 25 and learning; and professional practices and development.

14 26 Preschool teachers in an approved preschool program must
14 27 collaborate with other agencies, organizations, and boards in
14 28 the community to further the program's capacity to meet the
14 29 diverse needs of the children and the families of the children,
14 30 such as needs for early care, health, and human services. The
14 31 approved preschool program shall work to maintain relationships
14 32 with each child's family in order to enhance the child's
14 33 development in all settings by collaborating with providers of
14 34 parent education and family support opportunities.

14 35 PROGRAM REQUIREMENTS ==== PROGRAM APPROVAL. The state board



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15 1 must adopt rules to further define the preschool program
15 2 requirements that are listed in the bill, which shall be used
15 3 to determine whether or not a local program implemented by a
15 4 school district or private education partner is approved.
15 5 SCHOOL DISTRICT REQUIREMENTS. School districts, under rules
15 6 adopted by the state board, shall collect documentation of
15 7 school district and private education partner readiness to meet
15 8 program requirements, submit documentation to the department
15 9 that demonstrates that the school district contacted all
15 10 known private education partners within the school district,
15 11 collaborate with all approved high-quality preschool program
15 12 sites in the district to better serve children enrolled in the
15 13 preschool program by extending the day through other state
15 14 funding and federal funding and promoting family involvement
15 15 through family support programs as well as district programs,
15 16 participate in data collection and performance measurement
15 17 processes and reporting, identify eligible children through
15 18 targeted outreach to all families in partnership with the early
15 19 childhood Iowa area board, collect information regarding and
15 20 verify family income to implement the sliding tuition scale,
15 21 address professional development for school district preschool
15 22 teachers in the school district's professional development
15 23 plan, collaborate with private education partners to provide
15 24 a coordinated system of appropriate professional development
15 25 for preschool teachers and staff, and pay only verified claims
15 26 submitted by private education partners.
15 27 DEPARTMENT REQUIREMENTS. The department is required to
15 28 implement an application and approval process for school
15 29 district participation in the program; track the progress of
15 30 children in the program and their performance in elementary
15 31 and secondary education; implement procedures to monitor the
15 32 quality of the programming at all program sites; determine
15 33 a statewide comprehensive child assessment to measure child
15 34 outcomes at all sites; submit an annual report to the governor,
15 35 the general assembly, the early childhood Iowa state board, and



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16 1 the child development coordinating council; develop a statewide
16 2 list of approved preschool programs and publish the list on
16 3 its website; and develop and review annually a sliding tuition
16 4 scale for purposes of granting preschool program scholarships
16 5 to families whose incomes are at or below 300 percent of the
16 6 federal poverty level.

16 7 The early childhood Iowa state board and the child
16 8 development coordinating council must advise the department
16 9 regarding collaboration of high-quality preschool programs
16 10 for eligible children; the early childhood Iowa state board
16 11 must promote the preschool program in local community areas
16 12 to increase family awareness of quality preschool programs
16 13 and scholarship opportunities; and the early childhood Iowa
16 14 area boards shall collaborate with school districts and their
16 15 private education partners to strengthen preschool quality.

16 16 FUNDING PROVISIONS. State funding provided for preschool
16 17 scholarships shall be allocated to school districts based upon
16 18 the amount appropriated and the funding formula set forth in
16 19 the bill.

16 20 Except as otherwise provided in statute, a school district
16 21 may authorize expenditures for its preschool programming from
16 22 any of the revenue sources available to the district from
16 23 the sources listed in Code chapter 298A, which includes the
16 24 physical plant and equipment levy fund, the student nutrition
16 25 fund, and the capital projects fund, among other funds.
16 26 However, preschool scholarship funding shall not be used for
16 27 the costs of constructing a facility in connection with a
16 28 school district or private education partner preschool program.

16 29 Not more than 5 percent of the scholarship funding received
16 30 annually by a school district shall be used for the costs of
16 31 supervising the program.

16 32 The enrollment count for the preschool program shall include
16 33 all eligible children who are enrolled in and attending a
16 34 preschool program implemented by a school district and the
16 35 private education partners on October 1 or the first Monday in



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17 1 October if October 1 falls on a Saturday or Sunday. The school
17 2 district must collect the counts and certify the counts to the
17 3 department by October 15.

17 4 STATE FUNDING ==== ALLOCATION AND REDISTRIBUTION. For each
17 5 fiscal year in which the general assembly appropriates moneys
17 6 for purposes of the preschool program for four=year=old
17 7 children, scholarship funding shall be allocated to approved
17 8 school districts on a per pupil basis calculated on the
17 9 proportion that the number of the school district's first
17 10 grade children who are eligible for free or reduced price
17 11 meals, multiplied by the average of the previous three years
17 12 of certified kindergarten enrollment, bears to the sum of the
17 13 number of first grade children in all approved school districts
17 14 who are eligible for free or reduced price meals, multiplied
17 15 by the average of the previous three years of certified
17 16 kindergarten enrollment in all approved school districts in the
17 17 state for the base year.

17 18 Based on the October 1 certified preschool count, the
17 19 department shall evaluate the needs of approved school
17 20 districts and approved private education partners and
17 21 shall take action to redistribute unused state funding as
17 22 appropriate.

17 23 No district shall receive preschool scholarship payments
17 24 without school district or private education partner preschool
17 25 program sites.

17 26 For subsequent budget years, continuation of a school
17 27 district's participation in the preschool program is subject to
17 28 the approval of the department based upon the school district's
17 29 compliance with accountability provisions and the department's
17 30 on=site review of the school district's implementation of the
17 31 preschool program.

17 32 State funds provided for the preschool scholarship program
17 33 shall not be expended for any purpose not expressly authorized
17 34 by statute or administrative rule.

17 35 INSUFFICIENT FUNDING. If funds appropriated by the general



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18 1 assembly are not sufficient to pay the total allocation to
18 2 eligible school districts, the allocation shall be based on the
18 3 proportion that the total allocation for each school district
18 4 bears to the sum of the total allocations to all school
18 5 districts.

18 6 PAYMENTS TO PRIVATE EDUCATION PARTNERS. Reimbursements
18 7 shall be provided to private education partners by approved
18 8 school districts on a monthly basis upon submission and
18 9 verification of actual instructional costs incurred in the
18 10 fiscal year.

18 11 DEPARTMENT ADMINISTRATION AND OVERSIGHT. Of the amount
18 12 appropriated for purposes of Code chapter 256J for a fiscal
18 13 year, the department is authorized to use an amount sufficient
18 14 to fund up to four full-time equivalent positions which shall
18 15 be in addition to the number of positions authorized for the
18 16 department for the fiscal year to provide administration and
18 17 oversight of the preschool program.

18 18 OPEN ENROLLMENT NOT APPLICABLE. Code section 282.18,
18 19 relating to open enrollment, shall not apply to preschool
18 20 programs. However, approved programs shall be open to all
18 21 eligible Iowa children, regardless of a child's district of
18 22 residence.

18 23 PARTICIPATION IN PRESCHOOL NOT GOOD CAUSE. Participation by
18 24 a child in an approved preschool program does not qualify as
18 25 "good cause", for purposes of claiming continuous enrollment in
18 26 a school district other than the district of residence.

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House Study Bill 146

HOUSE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON
FORRISTALL)

A BILL FOR

1 An Act relating to licensure by the board of educational
2 examiners of persons who complete an administrator
3 preparation program offered by a recognized non-Iowa
4 institution.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1476YC (2) 84
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1 1 Section 1. Section 272.8, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 4. a. An applicant who, prior to May
1 4 1, 2009, enrolled in an administrator preparation program
1 5 offered by an out-of-state institution approved by the board
1 6 in accordance with subsection 3, and who completes the program
1 7 prior to December 15, 2011, shall be eligible for licensure as
1 8 provided in 282 IAC 18.3, 18.4, and 18.6, in effect on October
1 9 1, 2009.

1 10 b. The board shall notify all persons who meet the
1 11 requirements of paragraph "a" and who apply for an administrator
1 12 license between May 1, 2009, and December 31, 2011, of their
1 13 limited eligibility for licensure and of the application
1 14 deadline provided under this subsection, and shall post such
1 15 notification on its website.

1 16 c. This subsection is repealed July 1, 2012.

1 17 EXPLANATION

1 18 This bill provides that a person who enrolled in an
1 19 administrator preparation program offered by an approved
1 20 out-of-state institution prior to May 1, 2009, and who
1 21 completes the program prior to December 15, 2011, is eligible
1 22 to be licensed by the board of educational examiners under the
1 23 administrative rules in place on October 1, 2009. The bill
1 24 also requires the board to notify eligible applicants, who
1 25 apply for an administrator license between May 1, 2009, and
1 26 December 31, 2011, of their limited eligibility for licensure
1 27 and of the application deadline, and must post the notification
1 28 on its website.

1 29 Modifications to the board's administrative rules affecting
1 30 applicants for administrator exchange licenses who attended
1 31 recognized non-Iowa institutions took effect October 14, 2009.
1 32 The rules as modified require the applicant to hold a valid
1 33 regular administrator certificate or license in the state in
1 34 which the preparation was completed. Also, the initial license
1 35 issued under the prior rule was a two-year license, while under



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2 1 the current rule it is a one=year license.
2 2 The Code provision created by the bill is repealed July 1,
2 3 2012.
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House Study Bill 147

HOUSE FILE
BY (PROPOSED COMMITTEE ON
EDUCATION BILL BY
CHAIRPERSON
FORRISTALL)

A BILL FOR

1 An Act relating to the establishment of an independent private
2 instruction option for students of compulsory attendance
3 age.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1675YC (4) 84
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1 1 Section 1. Section 261E.8, subsection 2, Code 2011, is
1 2 amended to read as follows:
1 3 2. Students from accredited nonpublic schools and students
1 4 receiving competent private instruction or independent private
1 5 instruction under chapter 299A may access the program through
1 6 the school district in which the accredited nonpublic school or
1 7 private institution is located.
1 8 Sec. 2. Section 299.1, subsection 1, Code 2011, is amended
1 9 to read as follows:
1 10 1. Except as provided in section 299.2, the parent,
1 11 guardian, or legal or actual custodian of a child who is of
1 12 compulsory attendance age, shall cause the child to attend some
1 13 public school, or an accredited nonpublic school, or place
1 14 the child under competent private instruction or independent
1 15 private instruction in accordance with the provisions of
1 16 chapter 299A, during a school year, as defined under section
1 17 279.10.
1 18 Sec. 3. Section 299.1B, Code 2011, is amended to read as
1 19 follows:
1 20 299.1B Failure to attend ==== driver's license.
1 21 A person who is of compulsory attendance age, who is not
1 22 exempt under section 299.2, who does not attend a public
1 23 school, or an accredited nonpublic school, who is not
1 24 receiving competent private instruction or independent private
1 25 instruction in accordance with the provisions of chapter
1 26 299A, and who does not attend an alternative school, or adult
1 27 education classes, shall not receive an intermediate or full
1 28 driver's license until age eighteen.
1 29 Sec. 4. Section 299.6A, subsection 1, Code 2011, is amended
1 30 to read as follows:
1 31 1. In lieu of a criminal proceeding under section 299.6,
1 32 a county attorney may bring a civil action against a parent,
1 33 guardian, or legal or actual custodian of a child who is of
1 34 compulsory attendance age, has not completed educational
1 35 requirements, and is truant, if the parent, guardian, or legal



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2 1 or actual custodian has failed to cause the child to attend a
2 2 public school, or an accredited nonpublic school, or placed
2 3 the child under competent private instruction or independent
2 4 private instruction in the manner provided in this chapter. If
2 5 the court finds that the parent, guardian, or legal or actual
2 6 custodian has failed to cause the child to attend as required
2 7 in this section, the court shall assess a civil penalty of not
2 8 less than one hundred but not more than one thousand dollars
2 9 for each violation established.

2 10 Sec. 5. Section 299.8, Code 2011, is amended to read as
2 11 follows:

2 12 299.8 "Truant" defined.

2 13 Any child of compulsory attendance age who fails to attend
2 14 school as provided in this chapter, or as required by the
2 15 school board's or school governing body's attendance policy,
2 16 or who fails to attend competent private instruction or
2 17 independent private instruction under chapter 299A, without
2 18 reasonable excuse for the absence, shall be deemed to be a
2 19 truant. A finding that a child is truant, however, shall not
2 20 by itself mean that the child is a child in need of assistance
2 21 within the meaning of chapter 232 and shall not be the sole
2 22 basis for a child in need of assistance petition.

2 23 Sec. 6. Section 299.11, unnumbered paragraph 1, Code 2011,
2 24 is amended to read as follows:

2 25 The truancy officer may take into custody without warrant
2 26 any apparently truant child and place the child in the
2 27 charge of the school principal, or the principal's designee,
2 28 designated by the board of directors of the school district
2 29 in which the child resides, or of any nonpublic school, or
2 30 any authority providing competent private instruction or
2 31 independent private instruction as defined in section 299A.1,
2 32 subsection 2, designated by the parent, guardian, or legal or
2 33 actual custodian; but if it is other than a public school,
2 34 the instruction and maintenance of the child shall be without
2 35 expense to the school district. If a child is taken into



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3 1 custody under this section, the truancy officer shall make
3 2 every reasonable attempt to immediately notify the parent,
3 3 guardian, or legal or actual custodian of the child's location.
3 4 Sec. 7. Section 299.12, subsection 2, Code 2011, is amended
3 5 to read as follows:

3 6 2. This section is not applicable to a child who is
3 7 receiving competent private instruction or independent private
3 8 instruction in accordance with the requirements of chapter
3 9 299A. If a child is not in compliance with the attendance
3 10 requirements established under section 299.1, and has not
3 11 completed educational requirements through the sixth grade,
3 12 and the school has used every means available to assure the
3 13 child does attend, the school truancy officer shall contact
3 14 the child's parent, guardian, or legal or actual custodian to
3 15 participate in an attendance cooperation meeting. The parties
3 16 to the attendance cooperation meeting may include the child
3 17 and shall include the child's parent, guardian, or legal or
3 18 actual custodian and the school truancy officer. The school
3 19 truancy officer contacting the participants in the attendance
3 20 cooperation meeting may invite other school officials, a
3 21 designee of the juvenile court, the county attorney or the
3 22 county attorney's designee, or other persons deemed appropriate
3 23 to participate in the attendance cooperation meeting.

3 24 Sec. 8. Section 299A.1, Code 2011, is amended to read as
3 25 follows:

3 26 299A.1 ~~Private~~ Competent private instruction and independent
3 27 private instruction.

3 28 1. The parent, guardian, or legal custodian of a child of
3 29 compulsory attendance age who places the child under private
3 30 instruction shall provide, unless otherwise exempted, competent
3 31 private instruction or independent private instruction in
3 32 accordance with this chapter. A parent, guardian, or legal
3 33 custodian of a child of compulsory attendance age who places
3 34 the child under private instruction which is not competent
3 35 private instruction or independent private instruction,



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4 1 or otherwise fails to comply with the requirements of this
4 2 chapter, is subject to the provisions of sections 299.1 through
4 3 299.4 and the penalties provided in section 299.6.

4 4 2. For purposes of this chapter, ~~"competent"~~ and chapter 299:

4 5 a. "Competent private instruction" means private instruction
4 6 provided on a daily basis for at least one hundred forty-eight
4 7 days during a school year, to be met by attendance for at
4 8 least thirty-seven days each school quarter, by or under the
4 9 supervision of a licensed practitioner in the manner provided
4 10 under section 299A.2, or other person under section 299A.3,
4 11 which results in the student making adequate progress.

4 12 ~~For purposes of this chapter and chapter 299, "private~~
4 13 ~~instruction"~~

4 14 b. "Independent private instruction" means instruction that
4 15 meets the following criteria:

4 16 (1) Is not accredited.

4 17 (2) Enrolls not more than four unrelated students.

4 18 (3) Does not charge tuition, fees, or other remuneration for
4 19 instruction.

4 20 (4) Provides private or religious-based instruction as its
4 21 primary purpose.

4 22 (5) Provides enrolled students with instruction in
4 23 mathematics, reading and language arts, science, and social
4 24 studies.

4 25 (6) Provides, upon written request from the superintendent
4 26 of the school district in which the independent private
4 27 instruction is provided, or from the director of the department
4 28 of education, a report identifying the primary instructor,
4 29 location, name of the authority responsible for the independent
4 30 private instruction, and the names of the students enrolled.

4 31 (7) Is not a nonpublic school and does not provide competent
4 32 private instruction as defined in this subsection.

4 33 (8) Is exempt from all state statutes and administrative
4 34 rules applicable to a school, a school board, or a school
4 35 district, except as otherwise provided in chapter 299 and this



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5 1 chapter.

5 2 c. "Private instruction" means instruction using a plan and
5 3 a course of study in a setting other than a public or organized
5 4 accredited nonpublic school.

5 5 Sec. 9. Section 299A.11, Code 2011, is amended to read as
5 6 follows:

5 7 299A.11 Student records confidential.

5 8 Notwithstanding any provision of law or rule to the
5 9 contrary, personal information in records regarding a child
5 10 receiving competent private instruction or independent private
5 11 instruction pursuant to this chapter, which are maintained,

5 12 created, collected, or assembled by or for a state agency,
5 13 shall be kept confidential in the same manner as personal
5 14 information in student records maintained, created, collected,
5 15 or assembled by or for a school corporation or educational
5 16 institution in accordance with section 22.7, subsection 1.

5 17 Sec. 10. Section 321.178, subsection 1, paragraph c, Code
5 18 2011, is amended to read as follows:

5 19 c. Every public school district in Iowa shall offer or make
5 20 available to all students residing in the school district,
5 21 or Iowa students attending a nonpublic school or receiving
5 22 independent private instruction as defined in section 299A.1,

5 23 subsection 2, in the district, an approved course in driver
5 24 education. The receiving district shall be the school district
5 25 responsible for making driver education available to a student
5 26 participating in open enrollment under section 282.18. The
5 27 courses may be offered at sites other than at the public
5 28 school, including nonpublic school facilities within the public
5 29 school districts. An approved course offered during the summer
5 30 months, on Saturdays, after regular school hours during the
5 31 regular terms or partly in one term or summer vacation period
5 32 and partly in the succeeding term or summer vacation period,
5 33 as the case may be, shall satisfy the requirements of this
5 34 section to the same extent as an approved course offered during
5 35 the regular school hours of the school term. A student who



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6 1 successfully completes and obtains certification in an approved
6 2 course in driver education or an approved course in motorcycle
6 3 education may, upon proof of such fact, be excused from any
6 4 field test which the student would otherwise be required to
6 5 take in demonstrating the student's ability to operate a motor
6 6 vehicle. A student shall not be excused from any field test
6 7 if a parent, guardian, or instructor requests that a test
6 8 be administered. A final field test prior to a student's
6 9 completion of an approved course shall be administered by a
6 10 person qualified as a classroom driver education instructor and
6 11 certified to provide street and highway driving instruction. A
6 12 person qualified as a classroom driver education instructor but
6 13 not certified to provide street and highway driving instruction
6 14 may administer the final field test if accompanied by another
6 15 person qualified to provide street and highway driving
6 16 instruction.

6 17 EXPLANATION

6 18 This bill establishes under the Code chapter governing
6 19 private instruction an option for independent private
6 20 instruction.

6 21 Under the bill, "independent private instruction" means
6 22 instruction that is not accredited; enrolls not more than
6 23 four unrelated students; does not charge tuition, fees,
6 24 or other remuneration for instruction; provides private or
6 25 religious-based instruction as its primary purpose; provides
6 26 enrolled students with instruction in mathematics, reading and
6 27 language arts, science, and social studies; provides, upon
6 28 written request from the superintendent of the school district
6 29 in which the independent private instruction is provided or
6 30 from the director of the department of education, a report
6 31 identifying the primary instructor, location, name of the
6 32 authority responsible for the independent private instruction,
6 33 and the names of the students enrolled; is not a nonpublic
6 34 school and is distinct from competent private instruction as
6 35 defined in Code chapter 299A(2); and is exempt from all state



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7 1 statutes and administrative rules applicable to a school,
7 2 a school board, or a school district, except as otherwise
7 3 provided in Code chapters 299 and 299A, relating to compulsory
7 4 education and private instruction.
7 5 Students who are receiving independent private instruction
7 6 are allowed to access the district-to-community college sharing
7 7 or concurrent enrollment program through the school district in
7 8 which the private institution is located.
7 9 Students who receive independent private instruction are
7 10 not deemed truant unless they fail to attend the independent
7 11 private instruction. A truancy officer may take into custody
7 12 without warrant any apparently truant child and place the child
7 13 enrolled in independent private instruction in the charge
7 14 of the authority providing independent private instruction
7 15 designated by the parent, guardian, or legal or actual
7 16 custodian. Code section 299.12, which provides for attendance
7 17 cooperation meetings and agreements, is inapplicable to a child
7 18 receiving independent private instruction.
7 19 Personal information in records regarding a child receiving
7 20 independent private instruction that are maintained, created,
7 21 collected, or assembled by or for a state agency, shall be kept
7 22 confidential in the same manner as personal information in
7 23 student records maintained, created, collected, or assembled by
7 24 or for a school corporation or educational institution.
7 25 The public school district in which a student receives
7 26 independent private instruction shall offer or make available
7 27 to the student an approved course in driver education.
7 28 A student receiving independent private instruction is not
7 29 required to meet the competent private instruction requirements
7 30 of Code chapter 299A, such as annual achievement evaluations
7 31 and requirements establishing consequences for failure to make
7 32 adequate progress, nor are they eligible to participate in
7 33 dual enrollment and the home school assistance program. A
7 34 child identified as requiring special education is eligible for
7 35 placement under competent private instruction, but not if the



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8 1 child is under independent private instruction.
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House Study Bill 148

HOUSE FILE
BY (PROPOSED COMMITTEE ON
ENVIRONMENTAL
PROTECTION BILL BY
CHAIRPERSON OLSON)

A BILL FOR

1 An Act relating to water resources, by transferring the
2 water resources coordinating council from the office of
3 the governor to the department of agriculture and land
4 stewardship.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2691YC (1) 84
da/nh



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1 1 Section 1. Section 466B.2, subsection 2, Code 2011, is
1 2 amended by striking the subsection.

1 3 Sec. 2. Section 466B.3, subsection 1, Code 2011, is amended
1 4 to read as follows:

1 5 1. Council established. A water resources coordinating
1 6 council is established within the ~~office of the governor~~
~~1 7 department of agriculture and land stewardship.~~

1 8 Sec. 3. Section 466B.3, subsection 4, paragraph c, Code
1 9 2011, is amended by striking the paragraph.

1 10 Sec. 4. Section 466B.3, subsection 4, paragraph 1,
1 11 unnumbered paragraph 1, Code 2011, is amended to read as
1 12 follows:

1 13 The ~~governor~~ secretary, who shall be the chairperson, or
1 14 the ~~governor's~~ secretary's designee. As the chairperson,
1 15 and in order to further the coordination efforts of the
1 16 council, the ~~governor~~ secretary may invite representatives
1 17 from any other public agency, private organization, business,
1 18 citizen group, or nonprofit entity to give public input at
1 19 council meetings, provided the entity has an interest in the
1 20 coordinated management of land resources, soil conservation,
1 21 flood mitigation, or water quality. The ~~governor~~ secretary
1 22 shall also invite and solicit advice from the following:

1 23 Sec. 5. Section 466B.3, subsection 5, paragraph a, Code
1 24 2011, is amended to read as follows:

1 25 a. The council shall be convened by the ~~office of the~~
~~1 26 governor~~ secretary of agriculture at least quarterly.

1 27 Sec. 6. Section 466B.3, subsection 6, paragraph c, Code
1 28 2011, is amended to read as follows:

1 29 c. The council shall develop recommendations for policies
1 30 and funding promoting a watershed management approach to
1 31 reduce the adverse impact of future flooding on this state's
1 32 residents, businesses, communities, and soil and water quality.

1 33 ~~Policy and funding recommendations shall be submitted to the~~
~~1 34 governor and the general assembly not later than November~~

~~1 35 15, 2009.~~ The council shall consider policies and funding



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2 1 options for various strategies to reduce the impact of
2 2 flooding including but not limited to additional floodplain
2 3 regulation; wetland protection, restoration, and construction;
2 4 the promulgation and implementation of statewide storm water
2 5 management standards; conservation easements and other land
2 6 management; perennial ground cover and other agricultural
2 7 conservation practices; pervious pavement, bioswales, and
2 8 other urban conservation practices; and permanent or temporary
2 9 water retention structures. In developing recommendations,
2 10 the council shall consult with hydrological and land use
2 11 experts, representatives of cities, counties, drainage and
2 12 levee districts, agricultural interests, and soil and water
2 13 conservation districts, and other urban and regional planning
2 14 experts.

2 15 Sec. 7. Section 466B.5, Code 2011, is amended to read as
2 16 follows:

2 17 466B.5 Regional watershed assessment, planning, and
2 18 prioritization.

2 19 1. Regional watershed assessment program. The department of
2 20 natural resources shall create a regional watershed assessment
2 21 program. The program shall assess all the regional watersheds
2 22 in the state.

2 23 a. The statewide assessment shall be conducted at the rate
2 24 of approximately one=fifth of the watersheds per year, and an
2 25 initial full assessment shall be completed within five years.
2 26 Thereafter, the department of natural resources shall review
2 27 and update the assessments on a regular basis.

2 28 b. Each regional watershed assessment shall provide a
2 29 summary of the overall condition of the watershed. The
2 30 information provided in the summary may include land use
2 31 patterns, soil types, slopes, management practices, stream
2 32 conditions, and both point and nonpoint source impairments.

2 33 c. In conducting a regional watershed assessment, the
2 34 department of natural resources may provide opportunities for
2 35 local data collection and input into the assessment process.



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3 1 2. Planning and prioritization. In conducting the regional
3 2 watershed assessment program, the department of natural
3 3 resources shall provide hydrological and geological information
3 4 sufficient for the water resources coordinating council to
3 5 prioritize watersheds statewide and for the various communities
3 6 in those watersheds to plan remedial efforts in their local
3 7 communities and subwatersheds.

3 8 3. Report to council. Upon completion of the statewide
3 9 assessment, and upon updating the assessments, the department
3 10 of natural resources shall report the results of the assessment
3 11 to the council and the general assembly, and shall make the
3 12 report publicly available.

3 13 Sec. 8. Section 466B.6, subsection 1, Code 2011, is amended
3 14 to read as follows:

3 15 1. Facilitation of community-based subwatershed plans. After
3 16 ~~the department's~~ department of natural resources' completion
3 17 of the initial regional watershed assessment, and after the
3 18 council's prioritization of the regional watersheds, the
3 19 council shall designate one or more of the agencies represented
3 20 on the council to facilitate the development and implementation
3 21 of local, community-based subwatershed improvement plans.

3 22 Sec. 9. Section 466B.7, Code 2011, is amended to read as
3 23 follows:

3 24 466B.7 Community-based subwatershed monitoring.

3 25 1. Monitoring assistance. After completion of the
3 26 statewide regional watershed assessment and prioritization,
3 27 and throughout the implementation of local community-based
3 28 subwatershed improvement plans, the department of natural
3 29 resources shall assist communities with the monitoring and
3 30 measurement of local subwatersheds. The monitoring and
3 31 measurement shall be designed for the particular needs of
3 32 individual communities.

3 33 2. Data collection and use. Local communities in which
3 34 the department of natural resources conducts subwatershed
3 35 monitoring shall use the information to support subwatershed



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4 1 planning activities, do local data collection, and identify
4 2 priority areas needing additional resources. Local communities
4 3 shall also collect data over time and use the data to evaluate
4 4 the impacts of their management efforts.
4 5 Sec. 10. Section 466B.8, Code 2011, is amended to read as
4 6 follows:
4 7 466B.8 Wastewater and storm water infrastructure assessment.
4 8 The department of natural resources shall assess and
4 9 prioritize communities within a watershed presenting the
4 10 greatest level of risk to water quality and the health of
4 11 residents. This prioritization shall include both sewerred and
4 12 unsewerred communities.
4 13 Sec. 11. Section 466B.9, Code 2011, is amended to read as
4 14 follows:
4 15 466B.9 Rulemaking authority.
4 16 The department of natural resources and the department
4 17 of agriculture and land stewardship shall have the power and
4 18 authority reasonably necessary to carry out the duties imposed
4 19 by this chapter. As to the department of natural resources,
4 20 this includes rulemaking authority to carry out the regional
4 21 watershed assessment program described in section 466B.5. As
4 22 to the department of agriculture and land stewardship, this
4 23 includes rulemaking authority to assist in the implementation
4 24 of community-based subwatershed improvement plans.
4 25 EXPLANATION
4 26 This bill amends Code chapter 466B which provides for the
4 27 protection of surface water in this state by establishing a
4 28 water resources coordinating council within the office of the
4 29 governor. The council includes members representing a number
4 30 of heads of state agencies as well as the deans of colleges
4 31 of board of regents institutions. The council is responsible
4 32 for coordinating governmental efforts to improve water quality
4 33 in an efficient and fiscally responsible manner. The bill
4 34 also includes programs administered by the department of
4 35 natural resources and the department of agriculture and land



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5 1 stewardship. The bill transfers the council from the office
5 2 of the governor to the secretary of agriculture, and provides
5 3 that the secretary of agriculture and not the governor serves
5 4 as the council's chairperson. A number of provisions in the
5 5 Code chapter refer to the department of natural resources as
5 6 simply "department". The bill includes the full name of the
5 7 department, but does not change its powers or duties.

LSB 2691YC (1) 84

da/nh



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Senate File 270 - Introduced

SENATE FILE
BY SODDERS

A BILL FOR

1 An Act establishing parole for certain persons serving a class
2 "A" felony sentence and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSE 2379SS (3) 84
jm/rj



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Senate File 270 - Introduced continued

PAG LIN

1 1 Section 1. Section 902.1, Code 2011, is amended to read as
1 2 follows:

1 3 902.1 Class "A" felony.

1 4 1. Upon a plea of guilty, a verdict of guilty, or a special
1 5 verdict upon which a judgment of conviction of a class "A"
1 6 felony may be rendered, the court shall enter a judgment of
1 7 conviction and shall commit the defendant into the custody of
1 8 the director of the Iowa department of corrections for the rest
1 9 of the defendant's life. Nothing in the Iowa corrections code
1 10 pertaining to deferred judgment, deferred sentence, suspended
1 11 sentence, or reconsideration of sentence applies to a class "A"
1 12 felony, and a ~~person~~ defendant convicted of a class "A" felony
1 13 shall not be released on parole unless the governor commutes
1 14 the sentence to a term of years.

1 15 2. a. Notwithstanding subsection 1, a defendant convicted
1 16 of a class "A" felony, and who was under the age of eighteen at
1 17 the time the offense was committed shall be eligible for parole
1 18 after serving a minimum term of confinement of thirty years.

1 19 b. If a defendant is paroled pursuant to this subsection,
1 20 the defendant shall be subject to the same set of procedures
1 21 set out in chapters 901B, 905, 906, and chapter 908, and rules
1 22 adopted under those chapters for defendants on parole.

1 23 c. A defendant convicted of murder in the first degree in
1 24 violation of section 707.2 shall not be eligible for parole
1 25 pursuant to this subsection. A defendant convicted of any
1 26 other class "A" felony where a murder or homicide arose out of
1 27 the same set of facts as the class "A" felony, shall not be
1 28 eligible for parole.

1 29 Sec. 2. Section 906.5, subsection 1, unnumbered paragraph
1 30 1, Code 2011, is amended to read as follows:

1 31 The board shall establish and implement a plan by which the
1 32 board systematically reviews the status of each person who
1 33 has been committed to the custody of the director of the Iowa
1 34 department of corrections and considers the person's prospects
1 35 for parole or work release. The board at least annually shall



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2 1 review the status of a person other than a class "A" felon, a
2 2 class "B" felon serving a sentence of more than twenty-five
2 3 years, or a felon serving an offense punishable under section
2 4 902.9, subsection 1, or a felon serving a mandatory minimum
2 5 sentence other than a class "A" felon, and provide the person
2 6 with notice of the board's parole or work release decision.
2 7 The board shall only review the status of a class "A" felon
2 8 eligible for parole pursuant to section 902.1, subsection
2 9 2, upon the person serving the mandatory minimum term of
2 10 confinement, and shall only review the status every five years
2 11 thereafter.

2 12 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 13 immediate importance, takes effect upon enactment.

2 14 EXPLANATION

2 15 This bill establishes a parole procedure for certain persons
2 16 serving a class "A" felony.

2 17 The bill provides that a person serving a class "A" felony
2 18 who was under 18 years of age when the offense was committed is
2 19 eligible for parole after serving a minimum term of confinement
2 20 of 30 years.

2 21 The bill applies to the following class "A" felonies:
2 22 conspiracy to manufacture for delivery, delivery, or intent to
2 23 deliver amphetamine or methamphetamine to a minor in violation
2 24 of Code section 124.401D; sexual abuse in the first degree in
2 25 violation of Code section 709.2; kidnapping in the first degree
2 26 in violation of Code section 710.2; and enhanced penalties for
2 27 sexual abuse and lascivious acts with a child in violation of
2 28 Code section 902.14.

2 29 The bill does not apply to the following class "A" felonies:
2 30 murder in the first degree in violation of Code section 707.2;
2 31 or any other class "A" felony if a murder or homicide arose out
2 32 of the same set of facts as the class "A" felony.

2 33 The bill specifies the board of parole shall only review the
2 34 status of a person eligible for parole under the bill upon the
2 35 person serving 30 years of confinement, and restricts the board



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3 1 from reviewing the status of the person to every five years
3 2 thereafter.
3 3 If a person is paroled pursuant to the bill, the person
3 4 shall be subject to the same set of procedures set out in Code
3 5 chapters 901B, 905, 906, and 908, and rules adopted under those
3 6 Code chapters for persons on parole. The parole status of a
3 7 person paroled pursuant to the bill may be revoked and the
3 8 original sentence imposed under the procedures of Code chapter
3 9 908. The paroled person may also be discharged early from
3 10 parole pursuant to Code section 906.15.
3 11 Code section 903A.5 does not apply to reduce the mandatory
3 12 minimum sentence of 30 years established by the bill.
3 13 The bill also does not apply to enhanced life sentences in
3 14 Code chapter 901A (sexually predatory offenses).
3 15 The bill takes effect upon enactment.

LSB 2379SS (3) 84

jm/rj



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Senate File 271 - Introduced

SENATE FILE
BY SORENSON

A BILL FOR

1 An Act relating to the harvesting of grass within the
2 right-of-way of a noninterstate highway by the owner of
3 property adjacent to the highway.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2230XS (2) 84
dea/nh



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Senate File 271 - Introduced continued

PAG LIN

1 1 Section 1. Section 317.11, Code 2011, is amended to read as
1 2 follows:

1 3 317.11 Weeds on roads ==== harvesting of grass.

1 4 1. The county boards of supervisors and the ~~state~~ department
1 5 of transportation shall control noxious weeds growing on the
1 6 roads under their jurisdiction. Spraying for control of
1 7 noxious weeds shall be limited to those circumstances when it
1 8 is not practical to mow or otherwise control the noxious weeds.

1 9 2. a. Nothing under this chapter shall prevent the
1 10 landowner from harvesting, in proper season on or after
1 11 July 15, the grass grown on the ~~road along~~ portion of the
1 12 right-of-way beyond the shoulder of a noninterstate highway
1 13 that is adjacent to the landowner's land except for vegetation
1 14 maintained for highway purposes as part of an integrated
1 15 roadside vegetation management plan which is consistent with
1 16 the objectives in section 314.22.

1 17 b. With approval of the department of transportation or the
1 18 county board of supervisors of the county having jurisdiction
1 19 over the highway, a landowner may harvest the grass growing
1 20 within the median of a noninterstate highway that runs adjacent
1 21 to the landowner's land.

1 22 EXPLANATION

1 23 Current law allows a landowner to harvest grass grown on
1 24 the road along the landowner's land, except for vegetation
1 25 maintained for highway purposes as part of an integrated
1 26 roadside vegetation management plan. This bill amends that
1 27 provision to specify that it applies to the portion of the
1 28 right-of-way beyond the shoulder of a noninterstate highway.
1 29 In addition, the bill allows a landowner whose property runs
1 30 adjacent to a noninterstate highway to harvest the grass grown
1 31 within the median of the highway with the approval of the
1 32 department of transportation or the county board of supervisors
1 33 of the county having jurisdiction over the highway.

LSB 2230XS (2) 84

dea/nh



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Senate File 272 - Introduced

SENATE FILE
BY SORENSON

(COMPANION TO LSB
2393HH BY PEARSON)

A BILL FOR

1 An Act relating to the production or manufacture of goods
2 retained within the state of Iowa and federal authority
3 in relation thereto, providing penalties, and including
4 effective date and applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2393XS (3) 84
rn/nh



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Senate File 272 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 554E.1 Short title.
1 2 This chapter may be cited as the "Intrastate Commerce Act".
1 3 Sec. 2. NEW SECTION. 554E.2 Legislative intent.
1 4 The general assembly finds the following:
1 5 1. The tenth amendment to the Constitution of the United
1 6 States codifies in law that the only powers which the federal
1 7 government may exercise are those that have been delegated to
1 8 it in the Constitution.
1 9 2. The ninth amendment to the Constitution of the United
1 10 States guarantees to the people rights not enumerated in the
1 11 Constitution and reserves to the people those rights.
1 12 3. Under Article I, section 8, clause 3, of the Constitution
1 13 of the United States, the federal government is empowered to
1 14 regulate commerce among the several states.
1 15 4. The power to regulate intrastate commerce is reserved to
1 16 the states or the people under the ninth and tenth amendments
1 17 to the Constitution of the United States.
1 18 5. During the constitutional convention, the founders
1 19 considered and rejected a plan which would have authorized the
1 20 federal government to not only regulate commerce among the
1 21 several states, but also any activity having spillover effects
1 22 across state lines.
1 23 Sec. 3. NEW SECTION. 554E.3 Iowa goods retained in=state ====
1 24 federal regulation ==== inapplicability.
1 25 1. As used in this chapter, unless the context otherwise
1 26 requires:
1 27 a. "Basic materials or parts" means raw materials physically
1 28 and directly associated with the finished product in the
1 29 manufacturing process.
1 30 b. "Goods" means all real or personal, tangible or
1 31 intangible property.
1 32 c. "Produced" means grown, mined, extracted, or created.
1 33 2. All goods produced or manufactured, whether commercially
1 34 or privately, within the boundaries of this state that are
1 35 held, maintained, or retained within the boundaries of this



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2 1 state shall not be deemed to have traveled in interstate
2 2 commerce and shall not be subject to federal law, federal
2 3 regulation, or the authority of the Congress of the United
2 4 States under its constitutional power to regulate commerce.
2 5 This chapter shall apply to goods that are manufactured within
2 6 this state from basic materials or parts. The authority of the
2 7 Congress of the United States to regulate interstate commerce
2 8 in basic materials or parts shall not include the authority
2 9 to regulate goods manufactured within this state from such
2 10 materials or parts.
2 11 3. This chapter shall not apply to the following:
2 12 a. Goods manufactured within this state unless the words
2 13 "made in Iowa" are clearly stamped or marked on an integral
2 14 part of the good.
2 15 b. Goods produced within this state unless the words
2 16 "product of Iowa" are clearly stamped or marked on the
2 17 container or packaging.
2 18 c. Goods ordered, procured, or purchased by the United
2 19 States government or by any contractor pursuant to an agreement
2 20 with the United States government.
2 21 Sec. 4. NEW SECTION. 554E.4 Penalties.
2 22 1. Any official, agent, or employee of the United States
2 23 government or any employee of a corporation providing services
2 24 to the United States government that enforces or attempts to
2 25 enforce an Act, order, law, statute, rule, or regulation of the
2 26 government of the United States in violation of this Act shall
2 27 be guilty of an aggravated misdemeanor.
2 28 2. Any public officer or employee of this state that
2 29 enforces or attempts to enforce an Act, order, law, statute,
2 30 rule, or regulation of the government of the United States in
2 31 violation of this Act shall be guilty of a serious misdemeanor.
2 32 Sec. 5. EFFECTIVE UPON ENACTMENT AND APPLICABILITY. This
2 33 Act, being deemed of immediate importance, takes effect upon
2 34 enactment and applies to goods held, maintained, or retained
2 35 within the boundaries of the state that have been produced or



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3 1 manufactured within this state on or after that date.

3 2 EXPLANATION

3 3 This bill relates to the production or manufacture of goods
3 4 retained within the state of Iowa and federal regulatory
3 5 authority.

3 6 The bill provides legislative intent regarding the retention
3 7 and delegation of powers in the United States Constitution,
3 8 and states that the power to regulate intrastate commerce is
3 9 reserved to the states or the people under the ninth and tenth
3 10 amendments to the Constitution. The bill also states that
3 11 during the constitutional convention, the founders considered
3 12 and rejected a plan which would have authorized the federal
3 13 government to not only regulate commerce among the several
3 14 states, but also any activity having spillover effects across
3 15 state lines.

3 16 The bill provides several definitions. The bill defines
3 17 "basic materials or parts" to mean raw materials physically
3 18 and directly associated with the finished product in the
3 19 manufacturing process. The bill defines "goods" to mean all
3 20 real or personal, tangible or intangible property. The bill
3 21 defines "produced" to mean grown, mined, extracted, or created.

3 22 The bill states that all goods produced or manufactured
3 23 either commercially or privately within Iowa that are held,
3 24 maintained, or retained within Iowa shall not be deemed to
3 25 have traveled in interstate commerce and therefore shall
3 26 not be subject to federal law, federal regulation, or the
3 27 constitutional authority of the Congress of the United States
3 28 to regulate interstate commerce. The bill provides that
3 29 this only applies to goods that are manufactured within Iowa
3 30 from basic materials or parts. The bill further provides
3 31 that protection from federal regulation shall be confined
3 32 to goods manufactured within Iowa which have "made in Iowa"
3 33 clearly stamped or marked on an integral part, or produced in
3 34 Iowa unless the words "product of Iowa" are clearly stamped
3 35 or marked on the container or packaging. The bill further



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4 1 provides that goods ordered, procured, or purchased by the
4 2 United States government or by any contractor pursuant to an
4 3 agreement with the United States government are not included in
4 4 the protection from federal regulation.

4 5 The bill specifies that any official, agent, or employee of
4 6 the United States government or any employee of a corporation
4 7 providing services to the United States government that
4 8 enforces or attempts to enforce an Act, order, law, statute,
4 9 rule, or regulation of the government of the United States
4 10 in violation of the bill's provisions shall be guilty of
4 11 an aggravated misdemeanor. An aggravated misdemeanor is
4 12 punishable by confinement for no more than two years and a
4 13 fine of at least \$625 but not more than \$6,250. The bill
4 14 additionally specifies that any public officer or employee of
4 15 this state that enforces or attempts to enforce an Act, order,
4 16 law, statute, rule, or regulation of the government of the
4 17 United States in violation of the bill shall be guilty of a
4 18 serious misdemeanor. A serious misdemeanor is punishable by
4 19 confinement for no more than one year and a fine of at least
4 20 \$315 but not more than \$1,875.

4 21 The bill takes effect upon enactment and applies to goods
4 22 held, maintained, or retained within the boundaries of the
4 23 state that have been produced or manufactured within this state
4 24 on or after that date.

LSB 2393XS (3) 84

rn/nh



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Senate File 273 - Introduced

SENATE FILE
BY McCoy

A BILL FOR

1 An Act requiring the commission for the blind to enter
2 into certain contracts to provide news and information
3 services for the blind and print handicapped and making an
4 appropriation.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2560XS (4) 84
aw/nh



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Senate File 273 - Introduced continued

PAG LIN

1 1 Section 1. Section 216B.3, subsection 19, paragraphs a and
1 2 b, Code 2011, are amended to read as follows:
1 3 a. The commission ~~may~~ shall enter into necessary contracts
1 4 and arrangements with the national federation for the blind
1 5 to provide for the delivery of newspapers over the telephone,
1 6 furnished by the national federation for the blind.
1 7 b. The commission ~~may~~ shall enter into necessary contracts
1 8 and arrangements with the Iowa radio reading information
1 9 service for the blind and print handicapped to provide for the
1 10 delivery of newspapers, magazines, and other printed materials
1 11 over the radio, furnished by the Iowa radio reading information
1 12 service for the blind and print handicapped.
1 13 Sec. 2. Section 216B.3, subsection 19, Code 2011, is amended
1 14 by adding the following new paragraph:
1 15 NEW PARAGRAPH. c. For each fiscal year, there is
1 16 appropriated from the general fund of the state to the
1 17 department fifty thousand dollars for purposes of implementing
1 18 contracts pursuant to this subsection. Notwithstanding section
1 19 8.33, moneys appropriated pursuant to this subsection shall not
1 20 revert to the general fund or any other fund but shall remain
1 21 available for expenditure by the department pursuant to this
1 22 subsection in succeeding fiscal years.
1 23 EXPLANATION
1 24 This bill requires that the commission for the blind enter
1 25 into certain contracts with the national federation of the
1 26 blind and the Iowa radio reading information service for the
1 27 provision of certain news and information for the blind and
1 28 print handicapped. The bill provides an annual appropriation
1 29 of \$50,000 to the department for the blind, and provides that
1 30 the money so appropriated shall not revert back to the general
1 31 fund of the state, but may be used in subsequent fiscal years
1 32 to contract for such services.

LSB 2560XS (4) 84

aw/nh



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Senate File 274 - Introduced

SENATE FILE
BY RIELLY and BEALL

A BILL FOR

1 An Act providing that a rural water district may declare
2 bankruptcy, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2026SS (3) 84
da/nh



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Senate File 274 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 76.16B Debtor status permitted ====
1 2 temporary circumstances allowed for rural water districts.
1 3 1. A rural water district organized or incorporated
1 4 pursuant to chapter 357A may be a debtor under chapter nine
1 5 of the federal bankruptcy code, 11 U.S.C. { 901 et seq., if
1 6 authorized by its board of directors pursuant to section
1 7 357A.11.
1 8 2. Subsection 1 is no longer effective two years after the
1 9 effective date of this Act. However, this subsection does not
1 10 affect any bankruptcy proceeding pending on that date.
1 11 3. This section is repealed seven years after the effective
1 12 date of this Act.
1 13 Sec. 2. Section 357A.11, Code 2011, is amended by adding the
1 14 following new subsection:
1 15 NEW SUBSECTION. 14. a. Have authority to make the district
1 16 a debtor and proceed under the relevant sections of the federal
1 17 bankruptcy code, including 11 U.S.C., ch. 9, if the board
1 18 determines that the district is insolvent as defined in the
1 19 federal bankruptcy code, including 11 U.S.C. { 101. This
1 20 paragraph applies notwithstanding any provision in this Code to
1 21 the contrary, unless expressly provided otherwise by another
1 22 statute referring to this chapter or section.
1 23 b. Paragraph "a" is no longer effective two years after the
1 24 effective date of this Act. However, this paragraph does not
1 25 affect any bankruptcy proceeding pending on that date.
1 26 c. This subsection is repealed seven years after the
1 27 effective date of this Act.
1 28 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
1 29 importance, takes effect upon enactment.
1 30 EXPLANATION
1 31 This bill authorizes a rural water district to become a
1 32 debtor and proceed under the relevant sections of the federal
1 33 bankruptcy code if the board determines that the district is
1 34 insolvent as defined in the federal bankruptcy code. The
1 35 board's authority expires two years after the bill's effective



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2 1 date and the bill's provisions are repealed five years later.

2 2 The bill takes effect upon enactment.

LSB 2026SS (3) 84

da/nh



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Senate File 275 - Introduced

SENATE FILE
BY SODDERS

A BILL FOR

1 An Act relating to provider requirements for participation in
2 the state child care assistance program.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2418XS (2) 84
jp/nh



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Senate File 275 - Introduced continued

PAG LIN

1 1 Section 1. Section 237A.13, subsection 2, Code 2011, is
1 2 amended to read as follows:
1 3 2. a. Services under the program may be provided in a
1 4 licensed child care center, a child development home, the home
1 5 of a relative, the child's own home, a child care home, or in a
1 6 facility exempt from licensing or registration.
1 7 b. If services under the program are provided in a location
1 8 other than the child's own home, the location shall be subject
1 9 to an on=site health and safety inspection. The inspection
1 10 shall be performed prior to provision of program services in
1 11 the location. A location that has successfully completed an
1 12 on=site child care health and safety inspection authorized by
1 13 the department as part of child care regulatory requirements
1 14 shall be deemed to have met the requirements of this paragraph.

1 15 EXPLANATION

1 16 This bill relates to provider requirements for participation
1 17 in the state child care assistance program established in Code
1 18 section 237A.13 and administered by the department of human
1 19 services.

1 20 Consistent with federal requirements for the program,
1 21 current law provides that services may be provided in a
1 22 licensed child care center, a child development home, the home
1 23 of a relative, the child's own home, a child care home, or in a
1 24 facility exempt from licensing or registration.

1 25 The bill requires that if services under the program are
1 26 provided in a location other than the child's own home, the
1 27 location is subject to an on=site health and safety inspection.
1 28 The inspection is required to be performed prior to provision
1 29 of program services in the location. A location that has
1 30 successfully completed an on=site child care health and safety
1 31 inspection authorized by the department as part of child care
1 32 registration or licensure is deemed to have met the inspection
1 33 requirement.

LSB 2418XS (2) 84

jp/nh



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Senate File 276 - Introduced

SENATE FILE
BY SODDERS

A BILL FOR

1 An Act relating to reciprocal preferences for bidders on public
2 improvement contracts and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2468SS (2) 84
je/rj



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Senate File 276 - Introduced continued

PAG LIN

1 1 Section 1. Section 73A.21, Code 2011, is amended to read as
1 2 follows:
1 3 73A.21 Reciprocal resident bidder and resident labor force
1 4 preference by state, its agencies, and political subdivisions ====
1 5 penalties.
1 6 1. For purposes of this section:
1 7 a. "Commissioner" means the labor commissioner appointed
1 8 pursuant to section 91.2, or the labor commissioner's designee.
1 9 b. "Division" means the division of labor of the department
1 10 of workforce development.
1 11 c. "Nonresident bidder" means a person or entity who does
1 12 not meet the definition of a resident bidder.
1 13 d. "Public body" means the state and any of its political
1 14 subdivisions, including a school district, public utility, or
1 15 the state board of regents.
1 16 ~~a.~~ e. "Public improvement" means ~~public improvements as~~
1 17 ~~defined in section 73A.1 a building or other construction work~~
1 18 ~~to be paid for in whole or in part by the use of funds of the~~
1 19 ~~state, its agencies, and any of its political subdivisions and~~
1 20 ~~includes road construction, reconstruction, and maintenance~~
1 21 ~~projects.~~
1 22 f. "Public utility" includes municipally owned utilities and
1 23 municipally owned waterworks.
1 24 ~~b.~~ g. "Resident bidder" means a person or entity authorized
1 25 to transact business in this state and having a place of
1 26 business for transacting business within the state at which
1 27 it is conducting and has conducted business for at least ~~six~~
1 28 ~~months~~ three years prior to the date of the first advertisement
1 29 for the public improvement ~~and in the case of a corporation,~~
1 30 ~~having at least fifty percent of its common stock owned by~~
1 31 ~~residents of this state.~~ If another state or foreign country
1 32 has a more stringent definition of a resident bidder, the more
1 33 stringent definition is applicable as to bidders from that
1 34 state or foreign country.
1 35 h. "Resident labor force preference" means a requirement in



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2 1 which all or a portion of a labor force working on a public
2 2 improvement is a resident of a particular state or country.
2 3 2. Notwithstanding this chapter, chapter 73, chapter 309,
2 4 chapter 310, chapter 331, or chapter 384, when a contract for a
2 5 public improvement is to be awarded to the lowest responsible
2 6 bidder, a resident bidder shall be allowed a preference as
2 7 against a nonresident bidder from a state or foreign country
2 8 ~~which~~ if that state or foreign country gives or requires a
~~2 9 any preference to bidders from that state or foreign country,~~
2 10 including but not limited to any preference to bidders, the
2 11 imposition of any type of labor force preference, or any other
2 12 form of preferential treatment to bidders or laborers from that
2 13 state or foreign country. The preference ~~is~~ allowed shall
2 14 be equal to the preference given or required by the state or
2 15 foreign country in which the nonresident bidder is a resident.
2 16 In the instance of a resident labor force preference, a
2 17 nonresident bidder shall apply the same resident labor force
2 18 preference to a public improvement in this state as would be
2 19 required in the construction of a public improvement by the
2 20 state or foreign country in which the nonresident bidder is a
2 21 resident.
2 22 3. ~~This section applies to the state, its agencies, and any~~
~~2 23 political subdivisions of the state.~~
2 24 4. 3. If it is determined that this may cause denial of
2 25 federal funds which would otherwise be available, or would
2 26 otherwise be inconsistent with requirements of any federal law
2 27 or regulation, this section shall be suspended, but only to the
2 28 extent necessary to prevent denial of the funds or to eliminate
2 29 the inconsistency with federal requirements.
2 30 4. The public body involved in a public improvement shall
2 31 require a nonresident bidder to specify on all project bid
2 32 specifications and contract documents whether any preference
2 33 as described in subsection 2 is in effect in the nonresident
2 34 bidder's state or country of domicile at the time of a bid
2 35 submittal.



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3 1 5. The commissioner and the division shall administer and
3 2 enforce this section, and the commissioner shall adopt rules
3 3 for the administration and enforcement of this section as
3 4 provided in section 91.6.

3 5 6. The commissioner shall have the following powers and
3 6 duties for the purposes of this section:

3 7 a. The commissioner may hold hearings and investigate
3 8 charges of violations of this section.

3 9 b. The commissioner may, consistent with due process of law,
3 10 enter any place of employment to inspect records concerning
3 11 labor force residency, to question an employer or employee, and
3 12 to investigate such facts, conditions, or matters as are deemed
3 13 appropriate in determining whether any person has violated the
3 14 provisions of this section. The commissioner shall only make
3 15 such an entry in response to a written complaint.

3 16 c. The commissioner shall develop a written complaint form
3 17 applicable to this section and make it available in division
3 18 offices and on the department of workforce development's
3 19 internet site.

3 20 d. The commissioner may sue for injunctive relief against
3 21 the awarding of a contract, the undertaking of a public
3 22 improvement, or the continuation of a public improvement in
3 23 response to a violation of this section.

3 24 e. The commissioner may investigate and ascertain the
3 25 residency of a worker engaged in any public improvement in this
3 26 state.

3 27 f. The commissioner may administer oaths, take or cause to
3 28 be taken deposition of witnesses, and require by subpoena the
3 29 attendance and testimony of witnesses and the production of all
3 30 books, registers, payrolls, and other evidence relevant to a
3 31 matter under investigation or hearing.

3 32 g. The commissioner shall require a contractor or
3 33 subcontractor to file, within ten days of receipt of a request,
3 34 any records enumerated in subsection 8. If the contractor or
3 35 subcontractor fails to provide the requested records within ten



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4 1 days, the commissioner may direct, within fifteen days after
4 2 the end of the ten-day period, that the fiscal or financial
4 3 office charged with the custody and disbursement of funds of
4 4 the public body that contracted for construction of the public
4 5 improvement or undertook the public improvement, to immediately
4 6 withhold from payment to the contractor or subcontractor
4 7 up to twenty-five percent of the amount to be paid to the
4 8 contractor or subcontractor under the terms of the contract
4 9 or written instrument under which the public improvement is
4 10 being performed. The amount withheld shall be immediately
4 11 released upon receipt by the public body of a notice from
4 12 the commissioner indicating that the request for records as
4 13 required by this section has been satisfied.

4 14 7. While participating in a public improvement, a
4 15 nonresident bidder domiciled in a state or country that
4 16 has established a resident labor force preference shall
4 17 make and keep, for a period of not less than three years,
4 18 accurate records of all workers employed by the contractor or
4 19 subcontractor on the public improvement. The records shall
4 20 include each worker's name, address, telephone number when
4 21 available, social security number, trade classification, and
4 22 the starting and ending time of employment.

4 23 8. Any person or entity that violates the provisions of
4 24 this section is subject to a civil penalty in an amount not to
4 25 exceed one thousand dollars for each violation found in a first
4 26 investigation by the division, not to exceed five thousand
4 27 dollars for each violation found in a second investigation
4 28 by the division, and not to exceed fifteen thousand dollars
4 29 for a third or subsequent violation found in any subsequent
4 30 investigation by the division. Each violation of this section
4 31 for each worker and for each day the violation continues
4 32 constitutes a separate and distinct violation. In determining
4 33 the amount of the penalty, the division shall consider the
4 34 appropriateness of the penalty to the person or entity charged,
4 35 upon determination of the gravity of the violations. The



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5 1 collection of these penalties shall be enforced in a civil
5 2 action brought by the attorney general on behalf of the
5 3 division.

5 4 9. A party seeking review of the division's determination
5 5 pursuant to this section may file a written request for an
5 6 informal conference. The request must be received by the
5 7 division within fifteen days after the date of issuance of
5 8 the division's determination. During the conference, the
5 9 party seeking review may present written or oral information
5 10 and arguments as to why the division's determination should
5 11 be amended or vacated. The division shall consider the
5 12 information and arguments presented and issue a written
5 13 decision advising all parties of the outcome of the conference.

5 14 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
5 15 immediate importance, takes effect upon enactment.

5 16 Sec. 3. APPLICABILITY. This Act applies to all public
5 17 improvement projects, and to public improvement contracts
5 18 entered into on or after July 1, 2011.

5 19 EXPLANATION

5 20 This bill requires the labor commissioner to administer
5 21 and enforce Code section 73A.21, which allows the state
5 22 and political subdivisions awarding a contract for a public
5 23 improvement to give a preference to an Iowa resident bidder
5 24 over a nonresident bidder. The preference must be reciprocal
5 25 to any preference given to in-state resident bidders over
5 26 nonresident bidders by the state or foreign country of a
5 27 nonresident bidder. The bill directs the labor commissioner to
5 28 adopt rules as necessary to administer Code section 73A.21.

5 29 The bill includes in the reciprocity requirement nonresident
5 30 bidders from a state or foreign country which gives any type
5 31 of labor force preference or any other form of preference
5 32 to resident bidders or laborers. The bill provides that if
5 33 the provisions of Code section 73A.21 may cause denial of
5 34 federal funds which would otherwise be available, or would
5 35 otherwise be inconsistent with requirements of any federal law



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6 1 or regulation, the Code section will be suspended, but only
6 2 to the extent necessary to prevent denial of the funds or to
6 3 eliminate the inconsistency with federal requirements. The
6 4 bill requires a public body involved in a public improvement to
6 5 require all nonresident bidders to specify on all project bid
6 6 specifications and contract documents whether the nonresident
6 7 bidder's state or country of residence has any type of resident
6 8 bidder preference in effect at the time of a bid submittal.
6 9 The bill provides the labor commissioner with certain powers
6 10 relating to nonresident bidders for public improvement projects
6 11 to enforce Code section 73A.21. The bill provides the labor
6 12 commissioner with investigative powers concerning nonresident
6 13 bidders. Such powers include the power to hold hearings, to
6 14 enter a place of employment to inspect records regarding labor
6 15 force residency, to question employees, and to take depositions
6 16 and subpoenas. The bill provides that the labor commissioner
6 17 may sue for injunctive relief for violations of Code section
6 18 73A.21. The bill requires the labor commissioner to develop
6 19 a written complaint form for violations. The bill requires a
6 20 nonresident contractor domiciled in a state or country that
6 21 has a resident labor force preference to keep for at least
6 22 three years accurate records containing certain identifying
6 23 information including residency for all workers employed by
6 24 the contractor. The bill provides that the labor commissioner
6 25 may direct that up to 25 percent of the contract price be
6 26 withheld from the contractor if the contractor does not file
6 27 such records until the records are filed. The bill provides
6 28 for a civil penalty of \$1,000 for each violation found during
6 29 a first investigation, \$5,000 for each violation found during
6 30 a second investigation, and \$15,000 for each violation found
6 31 during a subsequent investigation. The bill provides that a
6 32 separate and distinct violation occurs for each worker employed
6 33 by the contractor for each day the worker is employed by the
6 34 contractor. The bill provides for a review process with the
6 35 division of labor and sets out procedural requirements. The



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7 1 bill modifies and adds applicable definitions for Code section
7 2 73A.21.
7 3 The bill is effective upon enactment.
7 4 The bill applies to all public improvement projects, and to
7 5 public improvement contracts entered into on or after July 1,
7 6 2011.

LSB 2468SS (2) 84

je/rj



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Senate File 277 - Introduced

SENATE FILE
BY BOLKCOM

A BILL FOR

1 An Act relating to an agreement among the states to elect the
2 president by national popular vote and including effective
3 date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2477XS (1) 84
aw/sc



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1 1 Section 1. Section 50.45, Code 2011, is amended to read as
1 2 follows:
1 3 50.45 Canvass public ==== result determined.
1 4 1. All canvasses of tally lists shall be public, and the
1 5 persons having the greatest number of votes shall be declared
1 6 elected, except that in any year in which the appointment of
1 7 presidential electors is governed by the national popular vote
1 8 compact set forth in section 54.10, the persons that shall be
1 9 declared elected to the position of presidential elector shall
1 10 be the persons specified in the national popular vote compact.
1 11 2. When a public measure has been submitted to the electors,
1 12 the proposition shall be declared to have been adopted if
1 13 the vote cast in favor of the question is greater than fifty
1 14 percent of the total vote cast in favor and against the
1 15 question, unless laws pertaining specifically to the public
1 16 measure election establish a higher percentage of a favorable
1 17 vote. All ballots cast and not counted as a vote in favor or
1 18 against the proposition shall not be used in computing the
1 19 total vote cast in favor and against the proposition.
1 20 Sec. 2. NEW SECTION. 54.10 Agreement among the states to
1 21 elect the president by national popular vote.
1 22 The agreement among the states to elect the president by
1 23 national popular vote may be cited as the "National Popular Vote
1 24 Compact". The national popular vote compact is entered into
1 25 and enacted into law with each other state that has enacted the
1 26 compact in substantially the following form:
1 27 1. Article I ==== Membership. Any state of the United States
1 28 and the District of Columbia may become a member of this
1 29 agreement by enacting this agreement.
1 30 2. Article II ==== Right of the people in member states to
1 31 vote for president and vice president. Each member state shall
1 32 conduct a statewide popular election for president and vice
1 33 president of the United States.
1 34 3. Article III ==== Manner of appointing presidential electors
1 35 in member states.



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- 2 1 a. Prior to the time set by law for the meeting and voting
2 2 by the presidential electors, the chief election official of
2 3 each member state shall determine the number of votes for each
2 4 presidential slate in each state of the United States and in
2 5 the District of Columbia in which votes have been cast in a
2 6 statewide popular election and shall add such votes together to
2 7 produce a "national popular vote total" for each presidential
2 8 slate.
- 2 9 b. The chief election official of each member state shall
2 10 designate the presidential slate with the largest national
2 11 popular vote total as the "national popular vote winner".
- 2 12 c. The presidential elector certifying official of each
2 13 member state shall certify the appointment in that official's
2 14 own state of the elector slate nominated in that state in
2 15 association with the national popular vote winner.
- 2 16 d. At least six days before the day fixed by law for the
2 17 meeting and voting by the presidential electors, each member
2 18 state shall make a final determination of the number of popular
2 19 votes cast in the state for each presidential slate and shall
2 20 communicate an official statement of such determination within
2 21 twenty-four hours to the chief election official of each other
2 22 member state.
- 2 23 e. The chief election official of each member state shall
2 24 treat as conclusive an official statement containing the number
2 25 of popular votes in a state for each presidential slate made by
2 26 the day established by federal law for making a state's final
2 27 determination conclusive as to the counting of electoral votes
2 28 by Congress.
- 2 29 f. In event of a tie for the national popular vote winner,
2 30 the presidential elector certifying official of each member
2 31 state shall certify the appointment of the elector slate
2 32 nominated in association with the presidential slate receiving
2 33 the largest number of popular votes within that official's own
2 34 state.
- 2 35 g. If, for any reason, the number of presidential electors



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3 1 nominated in a member state in association with the national
3 2 popular vote winner is less than or greater than that state's
3 3 number of electoral votes, the presidential candidate on
3 4 the presidential slate that has been designated as the
3 5 national popular vote winner shall have the power to nominate
3 6 the presidential electors for that state and that state's
3 7 presidential elector certifying official shall certify the
3 8 appointment of such nominees.
3 9 h. The chief election official of each member state shall
3 10 immediately release to the public all vote counts or statements
3 11 of votes as they are determined or obtained.
3 12 i. This article shall govern the appointment of presidential
3 13 electors in each member state in any year in which this
3 14 agreement is, on July 20, in effect in states cumulatively
3 15 possessing a majority of the electoral votes.
3 16 4. Article IV ==== Other provisions.
3 17 a. This agreement shall take effect when states cumulatively
3 18 possessing a majority of the electoral votes have enacted this
3 19 agreement in substantially the same form and the enactments by
3 20 such states have taken effect in each state.
3 21 b. Any member state may withdraw from this agreement, except
3 22 that a withdrawal occurring six months or less before the
3 23 end of a president's term shall not become effective until a
3 24 president or vice president shall have been qualified to serve
3 25 the next term.
3 26 c. The chief executive of each member state shall promptly
3 27 notify the chief executives of all other states of when
3 28 this agreement has been enacted and has taken effect in that
3 29 official's state, when the state has withdrawn from this
3 30 agreement, and when this agreement takes effect generally.
3 31 d. This agreement shall terminate if the electoral college
3 32 is abolished.
3 33 e. If any provision of this agreement is held invalid, the
3 34 remaining provisions shall not be affected.
3 35 5. Article V ==== Definitions. For purposes of this



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4 1 agreement:

4 2 a. "Chief election official" shall mean the state official
4 3 or body that is authorized to certify the total number of
4 4 popular votes for each presidential slate.

4 5 b. "Chief executive" shall mean the governor of a state of
4 6 the United States or the mayor of the District of Columbia.

4 7 c. "Elector slate" shall mean a slate of candidates who
4 8 have been nominated in a state for the position of presidential
4 9 elector in association with a presidential slate.

4 10 d. "Presidential elector" shall mean an elector for
4 11 president and vice president of the United States.

4 12 e. "Presidential elector certifying official" shall mean
4 13 the state official or body that is authorized to certify the
4 14 appointment of the state's presidential electors.

4 15 f. "Presidential slate" shall mean a slate of two persons,
4 16 the first of whom has been nominated as a candidate for
4 17 president of the United States and the second of whom has been
4 18 nominated as a candidate for vice president of the United
4 19 States, or any legal successors to such persons, regardless of
4 20 whether both names appear on the ballot presented to the voter
4 21 in a particular state.

4 22 g. "State" shall mean a state of the United States and the
4 23 District of Columbia.

4 24 h. "Statewide popular election" shall mean a general
4 25 election in which votes are cast for presidential slates by
4 26 individual voters and counted on a statewide basis.

4 27 EXPLANATION

4 28 This bill creates a compact for the state of Iowa whereby
4 29 the state agrees to certify its electors for president of the
4 30 United States based on the national popular vote for president,
4 31 rather than on the popular vote for president within the state.
4 32 The agreement is cited in the bill as the "National Popular
4 33 Vote Compact". To take effect, the compact must be enacted by
4 34 any number of states whose electoral votes, in the aggregate,
4 35 constitute a majority of the entire number of electoral votes



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5 1 nationally. The compact provides that any member state may
5 2 withdraw from the compact. However, if a withdrawal occurs
5 3 six months or less before the end of a president's term,
5 4 the withdrawal shall not take effect until a president has
5 5 qualified to serve the next term.



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Senate File 278 - Introduced

SENATE FILE
BY SORENSON

A BILL FOR

1 An Act allowing certain milk and products using milk to be
2 transferred directly by operators of dairy farms, and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1897XS (4) 84
da/nh



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1 1 Section 1. Section 159.6, subsection 7, Code 2011, is
1 2 amended to read as follows:
1 3 7. Regulation and inspection of foods, drugs, and other
1 4 articles, as provided in Title V, subtitle 4, but chapter 205
1 5 of that subtitle shall be enforced as provided in that chapter.
1 6 Except as expressly authorized in subtitle 4, the department
1 7 shall not regulate any of the following:
1 8 a. Producing, processing, labeling, or marketing of milk,
1 9 if the milk is produced by a person operating a dairy farm in
1 10 compliance with section 192.145.
1 11 b. Manufacturing, labeling, or marketing of a milk product
1 12 or dairy product, if the milk product or dairy product is
1 13 manufactured by a person operating a dairy farm in compliance
1 14 with section 192.145.
1 15 Sec. 2. Section 191.2, subsection 5, unnumbered paragraph
1 16 1, Code 2011, is amended to read as follows:
1 17 All Except as provided in subsection 5A, bottles,
1 18 containers, and packages enclosing milk or milk products shall
1 19 be conspicuously labeled or marked with the following:
1 20 Sec. 3. Section 191.2, Code 2011, is amended by adding the
1 21 following new subsection:
1 22 NEW SUBSECTION. 5A. A person who operates a dairy farm as
1 23 provided in chapter 192 and who sells milk or a milk product
1 24 to an individual in compliance with section 192.145 is not
1 25 required to label or mark a container which includes the milk
1 26 or milk product.
1 27 Sec. 4. NEW SECTION. 191.9A Exception for on=farm sale of
1 28 dairy products.
1 29 A person who operates a dairy farm as provided in chapter 192
1 30 and who sells a dairy product to an individual in compliance
1 31 with section 192.145 is not required to label or mark a
1 32 container which includes the dairy product.
1 33 Sec. 5. Section 192.103, Code 2011, is amended to read as
1 34 follows:
1 35 192.103 Sale of grade "A" milk to final consumer ====



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2 1 impoundment of adulterated or misbranded milk.

2 2 1. Only grade "A" pasteurized milk and milk products
2 3 shall be sold to the final consumer, or to restaurants, soda
2 4 fountains, grocery stores, or similar establishments~~+~~, except
2 5 ~~in~~ as follows:

2 6 a. In an emergency, the sale of pasteurized milk and milk
2 7 products which have not been graded, or the grade of which is
2 8 unknown, may be authorized by the secretary, in which case,
2 9 such products shall be labeled "ungraded".

2 10 b. A person who operates a dairy farm may sell milk or
2 11 a milk product to an individual in compliance with section
2 12 192.145.

2 13 2. No person shall within the state produce, provide, sell,
2 14 offer, or expose for sale, or have in possession with intent
2 15 to sell, any milk or milk product which is adulterated or
2 16 misbranded; except, in an emergency, the sale of pasteurized
2 17 milk and milk products which have not been graded, or the grade
2 18 of which is unknown, may be authorized by the secretary, in
2 19 which case such products shall be labeled "ungraded".

2 20 3. Any adulterated or misbranded milk or milk product
2 21 may be impounded by the secretary or authorized municipal
2 22 corporation and disposed of in accordance with applicable laws
2 23 or regulations.

2 24 Sec. 6. NEW SECTION. 192.144 Definitions.

2 25 As used in this subchapter, unless the context otherwise
2 26 requires:

2 27 1. "Dairy product" means a product, other than a milk
2 28 product, in which milk is the principal ingredient at any
2 29 temperature and in either a manufactured or unmanufactured
2 30 state. To the extent that it is not classified as a milk
2 31 product, a dairy product includes but is not limited to butter,
2 32 cheese, cream, cottage cheese, ricotta cheese, keifer, or ice
2 33 cream.

2 34 2. "Manufacture" means to convert or condition personal
2 35 property by changing the form, composition, quality, or



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3 1 character of a product, and includes activities associated with
3 2 a creamery or cheese factory.
3 3 Sec. 7. NEW SECTION. 192.145 On=farm production,
3 4 processing, manufacturing, and marketing.
3 5 1. A person who operates a dairy farm may do any of the
3 6 following:
3 7 a. Produce milk at the dairy farm or process the milk at the
3 8 dairy farm, if the person does not sell the milk. Nothing in
3 9 this paragraph prevents the person from disposing of the milk
3 10 without receiving compensation.
3 11 b. Produce milk at the dairy farm or process the milk at
3 12 the dairy farm, if the person sells the milk to an individual,
3 13 regardless of whether the milk is unpasteurized or ungraded.
3 14 The milk must be sold to the individual on a retail basis
3 15 and not for resale. The person may deliver or cause to be
3 16 delivered the milk to a location specified by the individual.
3 17 An individual who receives the milk shall not resell it.
3 18 2. A person who operates a dairy farm may manufacture a
3 19 milk product or dairy product at the dairy farm by using milk
3 20 produced at the dairy farm, if any of the following apply:
3 21 a. The person does not sell the milk product or dairy
3 22 product. Nothing in this paragraph prevents the person
3 23 from disposing of the milk product or dairy product without
3 24 receiving compensation.
3 25 b. The person sells the milk product or dairy product
3 26 to an individual, regardless of whether the milk product or
3 27 dairy product is unpasteurized or ungraded. The milk product
3 28 or dairy product must be sold to the individual on a retail
3 29 basis and not for resale. The person may deliver or cause to
3 30 be delivered the milk product or dairy product to a location
3 31 specified by the individual. An individual who receives the
3 32 milk product or dairy product shall not resell it.
3 33 3. A person who operates a dairy farm shall not be subject
3 34 to regulation by the department for acting in compliance with
3 35 this section. Such regulation includes but is not limited



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4 1 to labeling requirements under chapter 191 or licensing,
4 2 permitting, or inspection requirements under this chapter or
4 3 chapter 194.
4 4 Sec. 8. NEW SECTION. 194.22 On=farm production, processing,
4 5 manufacturing, and marketing ==== exception.
4 6 This chapter does not apply to any of the following:
4 7 1. Producing, processing, labeling, or marketing of milk,
4 8 if the milk is produced by a person operating a dairy farm in
4 9 compliance with section 192.145.
4 10 2. Manufacturing, labeling, or marketing of a milk product
4 11 or dairy product, if the milk product or dairy product is
4 12 manufactured by a person operating a dairy farm in compliance
4 13 with section 192.145.
4 14 Sec. 9. DIRECTIVE TO CODE EDITOR. The Code editor is
4 15 directed to divide chapter 192 into subchapters.
4 16 EXPLANATION
4 17 BACKGROUND. This bill amends provisions affecting persons
4 18 who operate dairy farms, including provisions for the
4 19 processing of milk and the manufacture of milk products, and
4 20 dairy products on such farms. The provisions are administered
4 21 and enforced by the department of agriculture and land
4 22 stewardship.
4 23 Generally, statutory provisions and departmental rules
4 24 regulating milk are based on model legislation referred to
4 25 as the "Grade 'A' Pasteurized Milk Ordinance" (Code section
4 26 192.101A). The "Grade 'A' Pasteurized Milk Ordinance" defines
4 27 a milk product as including cream, sour cream, dry milk,
4 28 concentrated milk, eggnog, buttermilk, and yogurt. All food
4 29 offered or exposed for sale must be labeled (Code section
4 30 191.1). This includes labeling the milk or milk product as
4 31 "raw" (Code section 191.2(5)(e)). All milk must be sold on
4 32 the basis of grade (Code section 194.10) and only grade "A"
4 33 pasteurized milk and milk products can be sold to the final
4 34 consumer (Code section 192.103). Grade "B" milk may be sold
4 35 for manufacturing purposes (21 IAC 68.2). All dairy farms



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5 1 selling grade "A" or grade "B" milk must be issued a permit
5 2 by the department of agriculture and land stewardship (21 IAC
5 3 68.2).
5 4 The bill provides that these regulatory provisions do not
5 5 apply to a person who operates a dairy farm. The person may
5 6 produce milk and dispose of it or sell it to an individual on
5 7 a retail basis. The operator may also deliver the milk to a
5 8 location specified by the individual. The bill also provides
5 9 that the regulatory provisions do not apply to the operator of
5 10 a dairy farm who manufactures a milk product or dairy product,
5 11 who may dispose of the product or sell it in the same manner as
5 12 milk. A milk product is defined by the "Grade 'A' Pasteurized
5 13 Milk Ordinance" and includes cream or yogurt. A dairy product
5 14 includes a product other than a milk product whose principal
5 15 ingredient is milk (e.g., ice cream).
5 16 A person who violates the bill's provisions is guilty of a
5 17 simple misdemeanor (Code section 189.21). A simple misdemeanor
5 18 is punishable by confinement for no more than 30 days or a fine
5 19 of at least \$65 but not more than \$625 or by both.
LSB 1897XS (4) 84
da/nh



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Senate File 279 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB
1101)

A BILL FOR

- 1 An Act relating to child support recovery.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1226SV (1) 84
pf/nh



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1 1 Section 1. Section 252D.18, subsection 3, Code 2011, is
1 2 amended to read as follows:

1 3 3. The court or the child support recovery unit may,
1 4 by ex parte order, terminate an income withholding order
1 5 when the current support obligation has terminated and when
1 6 the delinquent support obligation has been fully satisfied
1 7 as applicable to all of the children covered by the income
1 8 withholding order. The unit may, by ex parte order, terminate
1 9 an income withholding order when the unit will no longer be
1 10 providing services under chapter 252B, or when a foreign
1 11 jurisdiction will be providing services under Tit. IV=D of the
1 12 federal Social Security Act.

1 13 Sec. 2. Section 252H.2, subsection 2, paragraph g, Code
1 14 2011, is amended to read as follows:

1 15 g. "Determination of controlling order" means the process
1 16 of identifying a child support order which must be recognized
1 17 pursuant to section 252K.207 and 28 U.S.C. { 1738B, when
1 18 more than one state has issued a support order for the same
1 19 child and the same obligor, and may include a reconciliation
1 20 of arrearages with information related to the calculation.

1 21 Registration of a foreign order is not necessary for a court or
1 22 the unit to make a determination of controlling order.

1 23 Sec. 3. Section 252H.14A, subsection 3, Code 2011, is
1 24 amended to read as follows:

1 25 3. Upon completion of the review, the unit shall issue a
1 26 notice of decision to each parent, or if applicable, to each
1 27 parent's attorney. The notice shall be served in accordance
1 28 with the rules of civil procedure or as provided in section
1 29 252B.26, except that a parent requesting a review pursuant to
1 30 section 252H.13 shall waive the right to personal service of
1 31 the notice in writing and accept service by regular mail. If
1 32 the service by regular mail does not occur within ninety days
1 33 of the written waiver of personal service, personal service of
1 34 the notice is required unless a new waiver of personal service
1 35 is obtained.



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2 1 Sec. 4. Section 252J.4, subsection 3, Code 2011, is amended
2 2 to read as follows:

2 3 3. The unit shall notify the individual of the date, time,
2 4 and location of the conference by regular mail, with the date
2 5 of the conference to be no earlier than ten days following
2 6 issuance of notice of the conference by the unit, unless the
2 7 individual and the unit agree to an earlier date which may be
2 8 the same date the individual requests the conference. If the
2 9 individual fails to appear at the conference, the unit shall
2 10 issue a certificate of noncompliance.

2 11 EXPLANATION

2 12 This bill includes provisions relating to child support
2 13 recovery.

2 14 The bill includes two provisions relating to coordinating
2 15 interstate child support cases mandated by recently adopted
2 16 federal regulations. The bill provides that when the child
2 17 support recovery unit is no longer providing services or
2 18 when a foreign jurisdiction will be providing services, the
2 19 unit may, by ex parte order, terminate an income withholding
2 20 order. Additionally, the bill amends the definition of
2 21 "determination of controlling order" to include in that process
2 22 a reconciliation of arrearages with information related to that
2 23 calculation.

2 24 The bill also provides that a parent requesting an
2 25 abbreviated review of a child support order shall waive the
2 26 right to personal service of the notice of decision by personal
2 27 service in writing and accept service by regular mail. If the
2 28 service by regular mail does not occur within 90 days of the
2 29 written waiver, personal service of the notice is required
2 30 unless a new written waiver is obtained. This provision is
2 31 consistent with language relating to a notice of intent to
2 32 review and adjust under Code section 252H.15 and language
2 33 relating to the notice of intent to modify under Code section
2 34 252H.19.

2 35 The bill also provides for an exception to the requirement



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3 1 that a conference, following issuance of a notice of the
3 2 conference, be no earlier than 10 days following issuance of
3 3 the notice by the child support recovery unit, if an individual
3 4 and the unit agree to an earlier date which may be the same date
3 5 the individual requests the conference.

LSB 1226SV (1) 84

pf/nh



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Senate File 280 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB
1017)

A BILL FOR

1 An Act relating to fees to fund programs to aid impaired
2 pharmacists, pharmacist=interns, and pharmacy technicians.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1290SV (1) 84
jr/nh



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Senate File 280 - Introduced continued

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1 1 Section 1. Section 155A.39, subsection 8, Code 2011, is
1 2 amended to read as follows:

1 3 8. The board may add a surcharge of not more than ~~ten~~
~~1 4~~ fifteen percent of the applicable fee to a pharmacist license
1 5 fee, pharmacist license renewal fee, pharmacist=intern
1 6 registration fee, pharmacy technician registration fee, or
1 7 pharmacy technician registration renewal fee authorized under
1 8 this chapter to fund programs to aid impaired pharmacists,
1 9 pharmacist=interns, or pharmacy technicians.

1 10 EXPLANATION

1 11 This bill relates to the program established to aid impaired
1 12 pharmacists, pharmacist interns, and pharmacy technicians.

1 13 The bill authorizes the board of pharmacy to increase
1 14 the percentage surcharge that may be imposed on license
1 15 and registration fees paid by the licensees and registrants
1 16 eligible for assistance under the impaired pharmacy
1 17 professionals and technicians program. The program provides
1 18 assistance to pharmacists, pharmacist interns, and pharmacy
1 19 technicians who may be physically or mentally impaired.

LSB 1290SV (1) 84

jr/nh



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Senate File 281 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 154)

A BILL FOR

1 An Act relating to dissolvable products and providing
2 penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2060SV (1) 84
pf/nh



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Senate File 281 - Introduced continued

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1 1 Section 1. NEW SECTION. 453A.57 Dissolvable products ====
1 2 restrictions ==== penalties.
1 3 1. Dissolvable products shall not be offered for sale or
1 4 sold at retail in this state unless the retail location meets
1 5 all of the following conditions:
1 6 a. The retail location does not allow individuals under
1 7 eighteen years of age to enter the location.
1 8 b. Ninety percent or more of the gross sales of the retail
1 9 location is based on the sale of tobacco or nicotine products.
1 10 c. The retail location met the requirements of paragraphs
1 11 "a" and "b" prior to January 1, 2011.
1 12 2. A dissolvable product shall not be offered for sale,
1 13 sold, given, or otherwise supplied to an individual under
1 14 eighteen years of age in this state.
1 15 3. A person who offers for sale or sells dissolvable
1 16 products at retail, or who offers for sale, sells, gives, or
1 17 otherwise supplies a dissolvable product to an individual under
1 18 eighteen years of age in this state, in violation of this
1 19 section, is subject to the following civil penalties:
1 20 a. A two hundred dollar penalty for the first violation.
1 21 b. A five hundred dollar penalty for a second violation
1 22 within three years of the first violation.
1 23 c. A one thousand dollar penalty for a third or subsequent
1 24 violation within three years of the first violation.
1 25 4. For the purposes of this section, "dissolvable product"
1 26 means any product containing tobacco or nicotine that is
1 27 intended or expected to be used for oral consumption that
1 28 does not consist of loose tobacco and is offered in discrete
1 29 single=dose or single=use lozenges, pills, capsules, strips,
1 30 sticks, orbs, or other single=dose or single=use units, or in
1 31 packages of such single=dose or single=use units. "Dissolvable
1 32 product" does not include any tobacco or nicotine product
1 33 that has been approved by the United States food and drug
1 34 administration for sale as, and is being marketed and sold
1 35 solely as, a tobacco cessation product; a tobacco dependence



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2 1 product; a harm reduction product; or for any other medical or
2 2 pharmacological purpose.
2 3 Sec. 2. CODE EDITOR DIRECTIVE. The Iowa Code editor
2 4 shall codify section 453A.57, as enacted in this Act, as a
2 5 separate division of chapter 453A, and shall title the division
2 6 "Dissolvable Products".

EXPLANATION

2 8 This bill provides restrictions on the sale of dissolvable
2 9 products in the state in new Code section 453A.57. The bill
2 10 defines "dissolvable products" as any product containing
2 11 tobacco or nicotine that is intended or expected to be used
2 12 for oral consumption that does not consist of loose tobacco
2 13 and is offered in discrete single=dose or single=use lozenges,
2 14 pills, capsules, strips, sticks, orbs, or other single=dose
2 15 or single=use units, or in packages of such single=dose or
2 16 single=use units. "Dissolvable product" does not include any
2 17 tobacco or nicotine product that has been approved by the
2 18 United States food and drug administration for sale as, and is
2 19 marketed and sold solely as, a tobacco cessation product, a
2 20 tobacco dependence product, a harm reduction product, or for
2 21 any other medical or pharmacological purpose.

2 22 The bill specifies that dissolvable products shall not be
2 23 offered for sale or sold at retail in this state unless the
2 24 retail location meets three conditions: the retail location
2 25 does not allow individuals under 18 years of age to enter the
2 26 location; 99 percent or more of the gross sales of the retail
2 27 location is based on the sale of tobacco or nicotine products;
2 28 and the retail location meets the first two requirements prior
2 29 to January 1, 2011.

2 30 The bill also provides that a dissolvable product shall not
2 31 be offered for sale, sold, given, or otherwise supplied to an
2 32 individual under 18 years of age in the state.

2 33 A person who violates the provisions of the bill is subject
2 34 to the following civil penalties: a \$200 penalty for the
2 35 first violation; a \$500 penalty for a second violation within



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3 1 three years of the first violation; and a \$1,000 penalty for a
3 2 third or subsequent violation within three years of the first
3 3 violation.
3 4 The bill also directs the Code editor to codify the new Code
3 5 section as a separate division in Code chapter 453A entitled
3 6 "Dissolvable Products".
LSB 2060SV (1) 84
pf/nh



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Senate File 282 - Introduced

SENATE FILE
BY FEENSTRA

A BILL FOR

1 An Act relating to the administration of the tax and related
2 laws by updating the Code references to the Internal
3 Revenue Code and including effective date and retroactive
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1800XS (2) 84
tw/sc



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1 1 DIVISION I
1 2 INTERNAL REVENUE CODE REFERENCES
1 3 Section 1. Section 422.3, subsection 5, Code 2011, is
1 4 amended to read as follows:
1 5 5. "Internal Revenue Code" means the Internal Revenue Code
1 6 of 1954, prior to the date of its redesignation as the Internal
1 7 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
1 8 the Internal Revenue Code of 1986 as amended to and including
1 9 January 1, ~~2008~~ 2011.
1 10 Sec. 2. Section 422.7, subsection 29A, Code 2011, is amended
1 11 by striking the subsection.
1 12 Sec. 3. Section 422.9, subsection 2, paragraph i, Code 2011,
1 13 is amended to read as follows:
1 14 i. The deduction for state sales and use taxes is allowable
1 15 only if the taxpayer elected to deduct the state sales and use
1 16 taxes in lieu of state income taxes under section 164 of the
1 17 Internal Revenue Code. A deduction for state sales and use
1 18 taxes is not allowed if the taxpayer has taken the deduction
1 19 for state income taxes or claimed the standard deduction under
1 20 section 63 of the Internal Revenue Code. This paragraph
1 21 applies to taxable years beginning after December 31, 2003, and
1 22 before January 1, ~~2006~~ 2008, and to taxable years beginning
1 23 after December 31, 2009, and before January 1, 2012.
1 24 Sec. 4. Section 422.32, subsection 7, Code 2011, is amended
1 25 to read as follows:
1 26 7. "Internal Revenue Code" means the Internal Revenue Code
1 27 of 1954, prior to the date of its redesignation as the Internal
1 28 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
1 29 the Internal Revenue Code of 1986 as amended to and including
1 30 January 1, ~~2008~~ 2011.
1 31 Sec. 5. EFFECTIVE UPON ENACTMENT. This division of this
1 32 Act, being deemed of immediate importance, takes effect upon
1 33 enactment.
1 34 Sec. 6. RETROACTIVE APPLICABILITY. The following provision
1 35 or provisions of this division of this Act apply retroactively



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2 1 to January 1, 2010, for tax years beginning on or after that
2 2 date:

2 3 1. The section of this Act amending section 422.3.

2 4 2. The section of this Act amending section 422.32.

2 5 Sec. 7. RETROACTIVE APPLICABILITY. The following provision
2 6 or provisions of this division of this Act apply retroactively
2 7 to January 1, 2011, for tax years beginning on or after that
2 8 date:

2 9 1. The section of this Act amending section 422.7,
2 10 subsection 29A.

2 11 Sec. 8. RETROACTIVE APPLICABILITY. The following provision
2 12 or provisions of this division of this Act apply retroactively
2 13 to tax years beginning on or after January 1, 2006, but before
2 14 January 1, 2008, and to tax years beginning on or after January
2 15 1, 2010, but before January 1, 2012:

2 16 1. The section of this Act amending section 422.9.

2 17 DIVISION II

2 18 RESEARCH ACTIVITIES CREDIT

2 19 Sec. 9. Section 15.335, subsection 4, Code 2011, is amended
2 20 to read as follows:

2 21 4. a. In lieu of the credit amount computed in subsection
2 22 2, an eligible business may elect to compute the credit amount
2 23 for qualified research expenses incurred in this state in a
2 24 manner consistent with the alternative ~~incremental~~ simplified
2 25 credit described in section ~~41(c)(4)~~ 41(c)(5) of the Internal
2 26 Revenue Code. The taxpayer may make this election regardless
2 27 of the method used for the taxpayer's federal income tax. The
2 28 election made under this paragraph is for the tax year and the
2 29 taxpayer may use another or the same method for any subsequent
2 30 year.

2 31 b. For purposes of the alternate credit computation
2 32 method in paragraph "a", the credit percentages applicable to
2 33 qualified research expenses described in ~~clauses (i), (ii),~~
~~2 34 and (iii) of section 41(c)(4)(A)~~ 41(c)(5)(A) and clause (ii)
2 35 of section 41(c)(5)(B) of the Internal Revenue Code are as



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3 1 follows:

3 2 (1) In the case of an eligible business whose gross revenues
3 3 do not exceed twenty million dollars per year, the credit
3 4 percentages are ~~two and fifty-four hundredths percent, three~~
~~3 5 and thirty-eight hundredths percent, and four and twenty-three~~
~~3 6 hundredths~~ seven percent and three percent, respectively.

3 7 (2) In the case of an eligible business whose gross revenues
3 8 exceed twenty million dollars per year, the credit percentages
3 9 are ~~seventy-six hundredths percent, one and two hundredths~~
~~3 10 percent, and one and twenty-seven hundredths~~ two and one-tenth
3 11 percent and nine-tenths percent, respectively.

3 12 Sec. 10. Section 15.335, subsection 7, Code 2011, is amended
3 13 to read as follows:

3 14 7. a. For purposes of this section, "base amount", "basic
3 15 research payment", and "qualified research expense" mean the
3 16 same as defined for the federal credit for increasing research
3 17 activities under section 41 of the Internal Revenue Code,
3 18 except that for the alternative ~~incremental~~ simplified credit
3 19 such amounts are for research conducted within this state.

3 20 b. For purposes of this section, "Internal Revenue Code"
3 21 means the Internal Revenue Code in effect on January 1, ~~2009~~
~~3 22~~ 2011.

3 23 Sec. 11. Section 15A.9, subsection 8, paragraphs b, c, and
3 24 e, Code 2011, are amended to read as follows:

3 25 b. In lieu of the credit amount computed in paragraph "a",
3 26 subparagraph (1), subparagraph division (a), a business may
3 27 elect to compute the credit amount for qualified research
3 28 expenses incurred in this state within the zone in a manner
3 29 consistent with the alternative ~~incremental~~ simplified credit
3 30 described in section ~~41(e)(4)~~ 41(c)(5) of the Internal Revenue
3 31 Code. The taxpayer may make this election regardless of
3 32 the method used for the taxpayer's federal income tax. The
3 33 election made under this paragraph is for the tax year and the
3 34 taxpayer may use another or the same method for any subsequent
3 35 year.



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4 1 c. For purposes of the alternate credit computation
4 2 method in paragraph "b", the credit percentages applicable to
4 3 qualified research expenses described in ~~clauses (i), (ii), and~~
~~4 4 (iii) of section 41(c)(4)(A) 41(c)(5)(A) and clause (ii) of~~
4 5 section 41(c)(5)(B) of the Internal Revenue Code are three and
~~4 6 thirty hundredths percent, four and forty hundredths percent,~~
~~4 7 and five and fifty hundredths percent, respectively as follows:~~
4 8 (1) In the case of an eligible business whose gross revenues
4 9 do not exceed twenty million dollars per year, the credit
4 10 percentages are seven percent and three percent, respectively.
4 11 (2) In the case of an eligible business whose gross revenues
4 12 exceed twenty million dollars per year, the credit percentages
4 13 are two and one-tenths percent and nine-tenths percent,
4 14 respectively.
4 15 e. (1) For the purposes of this subsection, "base amount",
4 16 "basic research payment", and "qualified research expense" mean
4 17 the same as defined for the federal credit for increasing
4 18 research activities under section 41 of the Internal Revenue
4 19 Code, except that for the alternative ~~incremental~~ simplified
4 20 credit such amounts are for research conducted within this
4 21 state within the zone.
4 22 (2) For purposes of this subsection, "Internal Revenue Code"
4 23 means the Internal Revenue Code in effect on January 1, ~~2009~~
~~4 24 2011.~~
4 25 Sec. 12. Section 422.10, subsection 1, paragraphs b and c,
4 26 Code 2011, are amended to read as follows:
4 27 b. In lieu of the credit amount computed in paragraph "a",
4 28 subparagraph (1), subparagraph division (a), a taxpayer may
4 29 elect to compute the credit amount for qualified research
4 30 expenses incurred in this state in a manner consistent with the
4 31 alternative ~~incremental~~ simplified credit described in section
4 32 ~~41(c)(4)~~ 41(c)(5) of the Internal Revenue Code. The taxpayer
4 33 may make this election regardless of the method used for the
4 34 taxpayer's federal income tax. The election made under this
4 35 paragraph is for the tax year and the taxpayer may use another



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5 1 or the same method for any subsequent year.

5 2 c. For purposes of the alternate credit computation

5 3 method in paragraph "b", the credit percentages applicable

5 4 to qualified research expenses described in ~~clauses (i),~~

~~5 5 (ii), and (iii) of section 41(c)(4)(A) 41(c)(5)(A) and clause~~

5 6 (ii) of section 41(c)(5)(B) of the Internal Revenue Code

5 7 are ~~one and sixty-five hundredths percent, two and twenty~~

~~5 8 hundredths percent, and two and seventy-five hundredths four~~

5 9 and fifty-five hundredths percent and one and ninety-five

5 10 hundredths percent, respectively.

5 11 Sec. 13. Section 422.10, subsection 3, Code 2011, is amended

5 12 to read as follows:

5 13 3. a. For purposes of this section, "base amount", "basic

5 14 research payment", and "qualified research expense" mean the

5 15 same as defined for the federal credit for increasing research

5 16 activities under section 41 of the Internal Revenue Code,

5 17 except that for the alternative ~~incremental~~ simplified credit

5 18 such amounts are for research conducted within this state.

5 19 b. For purposes of this section, "Internal Revenue Code"

5 20 means the Internal Revenue Code in effect on January 1, 2009

~~5 21 2011.~~

5 22 Sec. 14. Section 422.33, subsection 5, paragraphs b, c, and

5 23 d, Code 2011, are amended to read as follows:

5 24 b. In lieu of the credit amount computed in paragraph

5 25 "a", subparagraph (1), a corporation may elect to compute the

5 26 credit amount for qualified research expenses incurred in this

5 27 state in a manner consistent with the alternative ~~incremental~~

~~5 28 simplified credit described in section 41(c)(4) 41(c)(5) of the~~

5 29 Internal Revenue Code. The taxpayer may make this election

5 30 regardless of the method used for the taxpayer's federal income

5 31 tax. The election made under this paragraph is for the tax

5 32 year and the taxpayer may use another or the same method for

5 33 any subsequent year.

5 34 c. For purposes of the alternate credit computation

5 35 method in paragraph "b", the credit percentages applicable



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6 1 to qualified research expenses described in ~~clauses (i),~~
~~6 2 (ii), and (iii) of section 41(c)(4)(A) 41(c)(5)(A) and clause~~
6 3 (ii) of section 41(c)(5)(B) of the Internal Revenue Code
6 4 ~~are one and sixty-five hundredths percent, two and twenty~~
~~6 5 hundredths percent, and two and seventy-five hundredths~~ four
6 6 and fifty-five hundredths percent and one and ninety-five
6 7 hundredths percent, respectively.
6 8 d. (1) For purposes of this subsection, "base amount",
6 9 "basic research payment", and "qualified research expense" mean
6 10 the same as defined for the federal credit for increasing
6 11 research activities under section 41 of the Internal Revenue
6 12 Code, except that for the alternative ~~incremental~~ simplified
6 13 credit such amounts are for research conducted within this
6 14 state.
6 15 (2) For purposes of this subsection, "Internal Revenue Code"
6 16 means the Internal Revenue Code in effect on January 1, ~~2009~~
~~6 17 2011.~~
6 18 Sec. 15. EFFECTIVE UPON ENACTMENT. This division of this
6 19 Act, being deemed of immediate importance, takes effect upon
6 20 enactment.
6 21 Sec. 16. RETROACTIVE APPLICABILITY. The following
6 22 provision or provisions of this division of this Act apply
6 23 retroactively to July 1, 2010, for tax credits awarded on or
6 24 after that date:
6 25 1. The section of this Act amending section 15.335,
6 26 subsection 4.
6 27 2. The section of this Act amending section 15A.9.
6 28 Sec. 17. RETROACTIVE APPLICABILITY. The following
6 29 provision or provisions of this division of this Act apply
6 30 retroactively to January 1, 2010, for tax years beginning on
6 31 or after that date:
6 32 1. The section of this Act amending section 15.335,
6 33 subsection 7.
6 34 2. The section of this Act amending section 422.10,
6 35 subsection 1.



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7 1 3. The section of this Act amending section 422.10,
7 2 subsection 3.

7 3 4. The section of this Act amending section 422.33.

7 4 EXPLANATION

7 5 This bill updates Iowa Code references to the Internal
7 6 Revenue Code and provides for changes to the Iowa research
7 7 activities credit provisions.

7 8 Division I of the bill updates references in Code sections
7 9 422.3 and 422.32 to the Internal Revenue Code, making certain
7 10 federal income tax revisions enacted by Congress in 2008,
7 11 2009, and 2010 applicable for purposes of the corporate and
7 12 individual income taxes and the franchise tax. These revisions
7 13 only apply to tax years beginning on or after January 1, 2010,
7 14 and do not include tax years beginning after December 31, 2007,
7 15 and before January 1, 2010.

7 16 The division strikes Code section 422.7, subsection 29A,
7 17 which provided an exclusion from income of the value of health
7 18 care coverage of a nonqualified tax dependent up to the age
7 19 of 25. The federal Patient Protection and Affordable Care
7 20 Act, Pub. L. No. 111-148, provides for the exclusion from
7 21 income of the value of health care coverage of a nonqualified
7 22 tax dependent up to the age of 27, effective March 30, 2010.
7 23 Because the bill now couples Iowa with the Internal Revenue
7 24 Code with regard to this provision, Code section 422.7,
7 25 subsection 29A, is no longer necessary for tax years beginning
7 26 on or after January 1, 2011. This change applies retroactively
7 27 to that date.

7 28 Currently, in certain circumstances, Code section
7 29 422.9(2)(i) provides individuals a deduction from net income
7 30 (also known as a "below-the-line" deduction) for state sales
7 31 and use taxes in lieu of a deduction for income taxes. This
7 32 deduction was only available for taxable years beginning
7 33 after December 31, 2003, and before January 1, 2006. The
7 34 division extends this deduction to tax years beginning after
7 35 December 31, 2003, and before January 1, 2008, and to tax years



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Senate File 282 - Introduced continued

8 1 beginning after December 31, 2009, and before January 1, 2012.
8 2 Division II of the bill amends certain Code sections
8 3 relating to the state research activities tax credit for
8 4 individuals, corporations, corporations in economic development
8 5 areas, and corporations in quality jobs enterprise zones. The
8 6 division updates Iowa Code references to the Internal Revenue
8 7 Code for purposes of coupling with changes to the federal
8 8 research activities tax credit.
8 9 The division also makes certain changes relating to the
8 10 alternative incremental research tax credit. Because this
8 11 tax credit was repealed for federal tax purposes, the bill
8 12 removes references to it from the Iowa Code and replaces them
8 13 with an alternative simplified research tax credit for Iowa
8 14 tax purposes based upon the new federal alternative simplified
8 15 credit. The amendments to Code section 15.335, subsection
8 16 4, and Code section 15A.9 relate to this change and apply
8 17 retroactively to July 1, 2010, for tax credits awarded on or
8 18 after that date.
8 19 The division also makes certain changes in the calculation
8 20 of the additional research activities credit that depend on
8 21 whether an eligible business has \$20 million or more in gross
8 22 revenues. These changes only apply to tax years beginning
8 23 on or after January 1, 2010, and do not include tax years
8 24 beginning after December 31, 2008, and before January 1, 2010.
8 25 Both divisions of the bill take effect upon enactment.

LSB 1800XS (2) 84

tw/sc



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Senate File 283 - Introduced

SENATE FILE
BY FEENSTRA

A BILL FOR

1 An Act prohibiting smoking throughout gambling structures,
2 excursion gambling boats, and racetrack enclosures.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2454XS (6) 84
pf/rj



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1 1 Section 1. Section 142D.4, subsection 10, Code 2011, is
1 2 amended by striking the subsection.
1 3 EXPLANATION
1 4 This bill prohibits smoking throughout gambling structures,
1 5 excursion gambling boats, and racetrack enclosures. Current
1 6 law allows smoking in the gaming areas of these locations
1 7 except for enclosed restaurants or bars within the gaming area.
LSB 2454XS (6) 84
pf/rj



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Senate File 284 - Introduced

SENATE FILE
BY KIBBIE and HOUSER

A BILL FOR

1 An Act relating to motor fuel by establishing standards for the
2 sale of such fuel, providing tax credits for ethanol blended
3 gasoline, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2156XS (7) 84
da/rj



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1 1 DIVISION I
1 2 STANDARDS
1 3 Section 1. Section 214A.1, Code 2011, is amended by adding
1 4 the following new subsection:
1 5 NEW SUBSECTION. 23A. "Unblended gasoline" means gasoline
1 6 other than any of the following:
1 7 a. Standard ethanol blended gasoline.
1 8 b. E=85 gasoline.
1 9 Sec. 2. NEW SECTION. 214A.2C Gasoline advertised, sold, or
1 10 dispensed by a retail dealer ==== ethanol blend requirement and
1 11 exceptions ==== applicability.
1 12 1. Except as otherwise provided in this section, a retail
1 13 dealer shall not advertise, sell, or dispense unblended
1 14 gasoline in this state.
1 15 2. A retail dealer may advertise, sell, or dispense
1 16 unblended gasoline in this state if all of the following apply:
1 17 a. The unblended gasoline is used to operate a motor which
1 18 powers a qualified motor vehicle which is any one of the
1 19 following:
1 20 (1) An aircraft as defined in section 328.1.
1 21 (2) A motor vehicle used exclusively for motor sports,
1 22 including on a raceway, if the motor vehicle cannot operate on
1 23 a highway as provided in chapter 321 or rules adopted by the
1 24 state department of transportation.
1 25 (3) A 1985 or older model vehicle that is registered as an
1 26 antique vehicle under section 321.115.
1 27 (4) A snowmobile as defined in section 321G.1.
1 28 (5) An all=terrain vehicle as defined in section 321I.1.
1 29 (6) A watercraft as defined in section 462A.2.
1 30 (7) A lawn mower or other implement powered by a small
1 31 motor.
1 32 b. The retail dealer does not use more than one metered
1 33 pump located at a retail motor fuel site to advertise, sell,
1 34 or dispense unblended gasoline.
1 35 3. A retail dealer may advertise, sell, or dispense



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2 1 unblended gasoline at a retail motor fuel site owned or
2 2 operated by the retail dealer pursuant to a waiver issued by
2 3 the department to the retail dealer.

2 4 a. The department shall only issue a waiver to a retail
2 5 dealer after approving an application submitted to the
2 6 department by the retail dealer in a manner and according
2 7 to procedures required by the department which application
2 8 demonstrates that the retail dealer is not able to reasonably
2 9 obtain ethanol blended gasoline for sale at the retail motor
2 10 fuel site.

2 11 b. A waiver issued under this subsection expires six months
2 12 from the date of issuance. However, a retail dealer who has
2 13 been issued a waiver may apply for and be issued any number of
2 14 subsequent waivers.

2 15 4. a. A retail dealer may advertise, sell, or dispense
2 16 unblended gasoline at a retail motor fuel site owned or
2 17 operated by the retail dealer without restriction as otherwise
2 18 provided in this section until January 1, 2012.

2 19 b. This subsection is repealed on January 1, 2012.

2 20 Sec. 3. Section 214A.3, Code 2011, is amended by adding the
2 21 following new subsection:

2 22 NEW SUBSECTION. 3. A retail dealer who advertises the sale
2 23 of gasoline that is not ethanol blended gasoline shall refer to
2 24 the gasoline as unblended gasoline.

2 25 Sec. 4. Section 214A.16, Code 2011, is amended to read as
2 26 follows:

2 27 214A.16 Notice of ~~renewable~~ biodiesel fuel or unblended
2 28 gasoline ==== decal.

2 29 1. a. ~~If ethanol blended gasoline is sold from a motor fuel~~
~~2 30 pump a motor fuel pump dispenses unblended gasoline, the motor~~
2 31 fuel pump shall have affixed a decal identifying the ~~ethanol~~
~~2 32 blended gasoline~~ motor fuel as unblended gasoline. If the
2 33 motor fuel pump dispenses ethanol blended gasoline classified
2 34 as higher than standard ethanol blended gasoline pursuant
2 35 to section 214A.2, the decal shall ~~contain the following~~



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~~3 1 notice: "FOR FLEXIBLE FUEL VEHICLES ONLY" identify the ethanol~~
~~3 2 blended gasoline as for flexible fuel vehicles only.~~

3 3 b. If biodiesel fuel is sold from a motor fuel pump, the
3 4 motor fuel pump shall have affixed a decal identifying the
3 5 biodiesel fuel as provided in 16 C.F.R. pt. 306.

3 6 2. The design and location of the decal shall be prescribed
3 7 by rules adopted by the department. A decal identifying a

~~3 8 renewable biodiesel~~ fuel shall be consistent with standards
3 9 adopted pursuant to section 159A.6. The department may approve
3 10 an application to place a decal in a special location on a pump
3 11 or container or use a decal with special lettering or colors,
3 12 if the decal appears clear and conspicuous to the consumer.
3 13 The application shall be made in writing pursuant to procedures
3 14 adopted by the department.

3 15 DIVISION II

3 16 E=15 PROMOTION TAX CREDIT

3 17 Sec. 5. Section 2.48, subsection 3, paragraph d,
3 18 subparagraph (5), Code 2011, is amended to read as follows:

3 19 (5) The ~~ethanol~~ E=15 promotion tax credits available under
3 20 section 422.11N.

3 21 Sec. 6. Section 422.11N, subsection 1, paragraph f, Code
3 22 2011, is amended to read as follows:

3 23 f. "Tax credit" means the ~~ethanol~~ E=15 promotion tax credit
3 24 as provided in this section.

3 25 Sec. 7. Section 422.11N, subsection 3, Code 2011, is amended
3 26 to read as follows:

3 27 3. The taxes imposed under this division, less the tax
3 28 credits allowed under section 422.12, shall be reduced by an
3 29 ~~ethanol~~ E=15 gasoline promotion tax credit for each tax year
3 30 that the taxpayer is eligible to claim the tax credit under
3 31 this section. In order to be eligible, all of the following
3 32 must apply:

3 33 a. The taxpayer is a retail dealer who sells and dispenses
3 34 ethanol blended gasoline designated as E=15 or higher pursuant
3 35 to section 214A.2 through a motor fuel pump in the tax year in



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4 1 which the tax credit is claimed.
4 2 b. The retail dealer complies with requirements of the
4 3 department to administer this section.
4 4 Sec. 8. Section 422.11N, subsection 5, paragraph a,
4 5 unnumbered paragraph 1, Code 2011, is amended to read as
4 6 follows:
4 7 For a retail dealer whose tax year is the same as a
4 8 determination period beginning on January 1 and ending on
4 9 December 31, the retail dealer's tax credit is calculated by
4 10 multiplying the retail dealer's total ethanol gallonage from
4 11 ethanol blended gasoline designated as E=15 or higher, pursuant
4 12 to section 214A.2, by a tax credit rate, which may be adjusted
4 13 based on the retail dealer's biofuel threshold percentage
4 14 disparity. The tax credit rate is as follows:
4 15 Sec. 9. Section 422.11N, subsection 6, Code 2011, is amended
4 16 to read as follows:
4 17 6. A retail dealer is eligible to claim an ~~ethanol~~ E=15
4 18 gasoline promotion tax credit as provided in this section even
4 19 though the retail dealer claims an E=85 gasoline promotion tax
4 20 credit pursuant to section 422.110 for the same tax year and
4 21 for the same ethanol gallonage.
4 22 Sec. 10. Section 422.110, subsection 5, Code 2011, is
4 23 amended to read as follows:
4 24 5. A retail dealer is eligible to claim an E=85 gasoline
4 25 promotion tax credit as provided in this section even though
4 26 the retail dealer claims an ~~ethanol~~ E=15 gasoline promotion tax
4 27 credit pursuant to section 422.11N for the same tax year for
4 28 the same ethanol gallonage.
4 29 Sec. 11. Section 422.33, subsection 11A, unnumbered
4 30 paragraph 1, Code 2011, is amended to read as follows:
4 31 The taxes imposed under this division shall be reduced by
4 32 an ~~ethanol~~ E=15 promotion tax credit for each tax year that
4 33 the taxpayer is eligible to claim the tax credit under this
4 34 subsection.
4 35 Sec. 12. Section 422.33, subsection 11A, paragraphs a and b,



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5 1 Code 2011, are amended to read as follows:

5 2 a. The taxpayer shall claim the tax credit in the same
5 3 manner as provided in section 422.11N. The taxpayer may claim
5 4 the tax credit according to the same requirements, for the same
5 5 amount, and calculated in the same manner, as provided for the
5 6 ~~ethanol~~ E=15 promotion tax credit pursuant to section 422.11N.

5 7 b. Any ~~ethanol~~ E=15 promotion tax credit which is in excess
5 8 of the taxpayer's tax liability shall be refunded or may be
5 9 shown on the taxpayer's final, completed return credited to the
5 10 tax liability for the following tax year in the same manner as
5 11 provided in section 422.11N.

5 12 Sec. 13. Section 452A.31, subsection 2, paragraph a,
5 13 subparagraph (1), Code 2011, is amended to read as follows:

5 14 (1) The total ethanol blended gasoline gallonage which
5 15 is the retail dealer's total number of gallons of ethanol
5 16 blended gasoline and which includes any subclassification
5 17 required by the department. However, the total ethanol blended
5 18 gasoline gallonage must at least include all of the following
5 19 subclassifications:

5 20 (a) The total ~~E=xx~~ E=10 gasoline gallonage which is the
5 21 total number of gallons of ethanol blended gasoline ~~other than~~
5 22 ~~E=85 gasoline~~ designated as E=9 or E=10.

5 23 (b) The total E=15 gasoline gallonage which is the total
5 24 number of gallons of ethanol blended gasoline designated as
5 25 E=11 to E=15.

5 26 (c) The total ~~E=85~~ flexible fuel gasoline gallonage which
5 27 is the total number of gallons of ethanol blended gasoline
5 28 designated as E=16 to E=85 gasoline.

5 29 Sec. 14. Section 452A.31, subsection 4, paragraph a,
5 30 subparagraph (1), Code 2011, is amended by striking the
5 31 subparagraph and inserting in lieu thereof the following:

5 32 (1) The aggregate ethanol blended gasoline gallonage which
5 33 is the aggregate total number of gallons of ethanol blended
5 34 gasoline and which includes the aggregate ethanol blended
5 35 gasoline gallonage for each subclassification provided for in



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6 1 subsection 2.

6 2 Sec. 15. NEW SECTION. 452A.34 Classification of ethanol
6 3 blended fuel.

6 4 For purposes of this division, ethanol blended fuel shall be
6 5 classified in the same manner as provided in section 214A.2.

6 6 Sec. 16. 2006 Iowa Acts, chapter 1142, section 49,
6 7 subsection 2, as amended by 2006 Iowa Acts, chapter 1175,
6 8 section 17, is amended to read as follows:

6 9 2. For a retail dealer who may claim an ~~ethanol~~ E=15
6 10 promotion tax credit under section 422.11N or 422.33,

6 11 subsection 11A, as enacted in this Act and amended in
6 12 subsequent Acts, in calendar year 2020 and whose tax year ends

6 13 prior to December 31, 2020, the retail dealer may continue to
6 14 claim the tax credit in the retail dealer's following tax year.

6 15 In that case, the tax credit shall be calculated in the same
6 16 manner as provided in section 422.11N or 422.33, subsection
6 17 11A, as enacted in this Act and amended in subsequent Acts,

6 18 for the remaining period beginning on the first day of the
6 19 retail dealer's new tax year until December 31, 2020. For
6 20 that remaining period, the tax credit shall be calculated in
6 21 the same manner as a retail dealer whose tax year began on the
6 22 previous January 1 and who is calculating the tax credit on
6 23 December 31, 2020.

6 24 Sec. 17. EFFECTIVE DATE. This division takes effect January
6 25 1, 2012.

6 26 Sec. 18. APPLICABILITY. The sections of this division
6 27 amending section 422.11N and section 422.33, subsection 11A,
6 28 and the section of this Act amending 2006 Iowa Acts, chapter
6 29 1142, section 49, subsection 2, as amended by 2006 Iowa Acts,
6 30 chapter 1175, section 17, apply to tax years beginning on or
6 31 after January 1, 2012.

6 32 EXPLANATION

6 33 REGULATION OF ETHANOL BLENDED GASOLINE. This bill amends
6 34 Code chapter 214A, which provides authority to the department
6 35 of agriculture and land stewardship (department) to regulate



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7 1 the sale of motor fuel, including renewable fuel such as
7 2 ethanol blended gasoline. Code section 214A.2 provides for
7 3 different types of gasoline and establishes standards or
7 4 specifications for gasoline in conformance with federal law
7 5 and specifically regulations promulgated by the United States
7 6 environmental protection agency (EPA), and in part based on
7 7 standards published by the American society for testing and
7 8 materials (A.S.T.M.) international. The Code section provides
7 9 that standard ethanol blended gasoline is classified by its
7 10 percent volume of ethanol, referred to as "E=xx" where "xx"
7 11 designates the percentage (e.g., E=10 or E=15).

7 12 **ETHANOL BLENDED GASOLINE REQUIREMENT.** The bill creates a
7 13 new requirement that a retail dealer cannot advertise, sell, or
7 14 dispense gasoline other than ethanol blended gasoline; either
7 15 standard ethanol blended gasoline or so-called E=85 gasoline.
7 16 Gasoline which does not contain the requisite percentage of
7 17 ethanol is referred to as "unblended gasoline".

7 18 **EXCEPTIONS.** Notwithstanding the prohibition, the bill
7 19 allows a retail dealer to continue to advertise, sell, or
7 20 dispense unblended gasoline in limited circumstances. First,
7 21 the prohibition does not apply to gasoline used to operate
7 22 aircraft, or motor vehicles involved exclusively in motor
7 23 sports events. The requirement also does not apply to
7 24 gasoline for use in certain vehicles such as antique vehicles,
7 25 snowmobiles, all-terrain vehicles, watercraft, and small
7 26 motors. The bill prohibits a retail dealer from using more
7 27 than one metered pump to dispense unblended gasoline. Second,
7 28 the prohibition does not apply to a retail dealer who has been
7 29 issued a waiver by the department because the retail dealer has
7 30 not been able to reasonably obtain ethanol blended gasoline for
7 31 sale at the retail motor fuel site. The waiver expires six
7 32 months from the date of issuance. However, a retail dealer who
7 33 has been issued a waiver may apply for any number of subsequent
7 34 waivers. Third, a retail dealer may continue to advertise,
7 35 sell, or dispense unblended gasoline from one or more metered



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8 1 pumps located at a retail motor fuel site until January 1,
8 2 2012.

8 3 ADVERTISING. The bill provides that a retail dealer must
8 4 affix a decal on each metered pump which dispenses unblended
8 5 gasoline, notifying the public of its designation and any
8 6 restricted use. The bill eliminates a requirement that a
8 7 metered pump dispensing ethanol blended gasoline be affixed
8 8 with a decal.

8 9 APPLICABLE PENALTIES. Code section 214A.11 provides that
8 10 a person who violates a provision of Code chapter 214A is
8 11 guilty of a serious misdemeanor, and that each day that a
8 12 continuing violation occurs is considered a separate offense.
8 13 A serious misdemeanor is punishable by confinement for no
8 14 more than one year and a fine of at least \$315 but not more
8 15 than \$1,875. The Code section also provides that in lieu of
8 16 seeking a prosecution, the state may proceed against the person
8 17 by initiating an alternative civil enforcement action as a
8 18 contested case proceeding by the department under Code chapter
8 19 17A or as a civil judicial proceeding by the attorney general
8 20 upon referral by the department. The applicable civil penalty
8 21 is at least \$100 but not more than \$1,000 for each violation.
8 22 Each day that a continuing violation occurs shall be considered
8 23 a separate offense.

8 24 E=15 PROMOTION TAX CREDIT. The bill amends the ethanol
8 25 promotion tax credit which is calculated separately for each
8 26 retail motor fuel site from which the retail dealer sells and
8 27 dispenses ethanol blended gasoline (Code sections 422.11N and
8 28 422.33, subsection 11A). The tax credit rate depends upon the
8 29 number of gallons of ethanol blended gasoline and biodiesel
8 30 blended fuel that a retail dealer sold throughout a calendar
8 31 year (referred to as a determination period). The amount of
8 32 the tax credit depends upon whether the retail dealer met that
8 33 biofuel threshold. This bill renames the tax credit as the
8 34 E=15 promotion tax credit, and provides that the tax credit
8 35 applies only to those gallons of ethanol blended gasoline



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9 1 designated as E=15 or higher. It also allows a retail dealer
9 2 filing a tax return on a noncalendar year basis to claim the
9 3 tax credit. The tax credit is eliminated on January 1, 2021.
9 4 REPORTING. The bill also amends reporting requirements
9 5 by retail dealers and the department of revenue. A retail
9 6 dealer's report calculates the total motor fuel gallonage,
9 7 and further divides that number based on a number of
9 8 classifications depending upon the type of motor fuel sold,
9 9 including ethanol blended gasoline gallonage. The department
9 10 then calculates the aggregate total for the motor fuel
9 11 gallonage including by classification for the determination
9 12 period. The bill revises the reporting classifications for
9 13 ethanol blended gasoline, by including subclassifications for
9 14 E=9 and E=10, E=11 to E=15, and E=16 to E=85. It provides that
9 15 the department may establish additional subclassifications.
9 16 The bill's provisions related to tax credit and reporting
9 17 requirements are effective on January 1, 2012, and tax credit
9 18 provisions are applicable to the tax years beginning on or
9 19 after that date.

LSB 2156XS (7) 84

da/rj



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Senate Study Bill 1146

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON FRAISE)

A BILL FOR

1 An Act restricting claims involving mineral rights underlying
2 land owned by another person.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1596SC (2) 84
da/nh



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1 1 Section 1. NEW SECTION. 614.24A Reservation or granting of
1 2 interests in minerals in or on land === preservation.
1 3 1. No action based upon any claim arising or existing
1 4 by reason of the provisions of any instrument creating any
1 5 interest in minerals shall be maintained in any court in this
1 6 state to recover or establish any interest in or claim to real
1 7 estate, legal or equitable, against the holder of record title
1 8 to such real estate after twenty=one years from the execution
1 9 of such instrument unless the claimant shall, personally, or by
1 10 the claimant's attorney or agent, or if the claimant is a minor
1 11 or under legal disability, by the claimant's guardian, trustee,
1 12 or either parent or next friend, file a verified claim for such
1 13 interest with the recorder of the county where the real estate
1 14 is located within the twenty=one=year period. In the event
1 15 that such instrument was executed more than twenty years prior
1 16 to July 1, 2011, then such claim may be filed on or before June
1 17 30, 2014.
1 18 2. The following definitions apply for purposes of this
1 19 section:
1 20 a. "Interest in minerals" means a perpetual interest in
1 21 real estate which grants ownership of one or more minerals
1 22 underlying the real estate to a person other than the person
1 23 who owns the surface rights in and to the real estate.
1 24 "Interest in minerals" does not include a lease of real estate
1 25 which allows the tenant to remove minerals from the real
1 26 estate.
1 27 b. "Mineral" means the same as defined in section 556.1, and
1 28 also includes any other substance defined as a mineral by a law
1 29 of this state, except coal.
1 30 c. "Surface rights" means the right of one or more persons
1 31 to occupy the surface of the real estate.
1 32 3. A claim to preserve an interest in minerals shall do all
1 33 of the following:
1 34 a. Set forth the legal description of the real estate from
1 35 which such interest was severed, the nature of the interest,



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2 1 the time and manner in which the interest was created, the name
2 2 and address of the person making the claim, and each present
2 3 owner of the interest.

2 4 b. Verify that the claim has been delivered by certified
2 5 mail or personal delivery to the record owner of the surface
2 6 rights to the real estate from which such interest was severed,
2 7 as set forth in the records maintained by the assessor of the
2 8 county in which the real estate is located.

2 9 4. For the purposes of this section, a claimant may be any
2 10 person or persons claiming an interest in minerals, whether the
2 11 interest is a present interest or an interest which would come
2 12 into existence if the happening or contingency provided in the
2 13 instrument creating the interest were to happen at once. A
2 14 claimant may also be any member of a class of persons entitled
2 15 to claim such interest.

2 16 5. Nothing in this section shall do any of the following:

2 17 a. Revive or extinguish an interest in coal, including but
2 18 not limited to an interest provided in chapter 557C.

2 19 b. Impair the validity of an environmental covenant
2 20 established pursuant to chapter 455I.

2 21 c. Revive an interest which has expired or been terminated
2 22 under the terms of the instrument creating the interest.

2 23 6. The limitations of this section shall not run in respect
2 24 of any period in which the interest in minerals is separately
2 25 assessed for taxation as against the person who has paid the
2 26 taxes so assessed.

2 27 Sec. 2. Section 614.25, Code 2011, is amended to read as
2 28 follows:

2 29 614.25 Effect of filing claim.

2 30 The filing of ~~such~~ a claim pursuant to section 614.24 or
2 31 614.24A shall extend for a further period of twenty=one years
2 32 the time within which such action may be brought by any person
2 33 entitled thereto, and successive claims for further like
2 34 extensions may be filed.

2 35 Sec. 3. Section 614.28, Code 2011, is amended to read as



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3 1 follows:

3 2 614.28 Barred claims.

3 3 The provisions of sections 614.24 to 614.27, inclusive, or
3 4 the filing of a claim or claims, hereunder, shall not revive or
3 5 permit an action to be brought or maintained upon any claim or
3 6 cause of action which is barred by any other statute. Provided
3 7 further, that nothing contained in ~~these sections~~ section
3 8 614.24, 614.25, 614.26, or 614.27 shall affect litigation
3 9 pending on July 4, 1965, and nothing contained in section
3 10 614.24A shall affect litigation pending on July 1, 2011.

3 11 EXPLANATION

3 12 This bill provides for the reservation of a right to bring a
3 13 claim in district court involving an interest in one or more
3 14 minerals underlying the surface of real estate which another
3 15 person has a right to occupy. The bill does not address rights
3 16 to coal, which are subject to Code chapter 557C.

3 17 The bill applies when an instrument has been executed
3 18 creating an interest in one or more minerals. In order to
3 19 maintain a legal or equitable action against the record title
3 20 holder of the real estate after 21 years from the instrument's
3 21 execution, a claim must be filed with the recorder for
3 22 the county within that period. An exception applies to an
3 23 instrument executed more than 21 years prior to July 1, 2011.
3 24 In that case, the claim may be filed on or before June 30,
3 25 2014. The bill provides that additional claims may be filed
3 26 for additional 21-year periods.

3 27 The bill expressly states that it does not affect an interest
3 28 in coal, impair the validity of an environmental covenant (Code
3 29 chapter 455I), or revive an interest which has expired or been
3 30 terminated under the terms of the instrument.

3 31 The bill does not affect litigation pending on the effective
3 32 date of the bill.

LSB 1596SC (2) 84

da/nh



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Senate Study Bill 1147

SENATE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SENG)

A BILL FOR

1 An Act relating to motor fuel, including ethanol blended
2 gasoline and biodiesel or biodiesel blended motor fuel, by
3 providing for regulation and taxes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1832XC (6) 84

da/nh



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1 1 DIVISION I
1 2 REGULATION OF MOTOR FUEL
1 3 Section 1. Section 214A.1, Code 2011, is amended by adding
1 4 the following new subsections:
1 5 NEW SUBSECTION. 11A. "Flexible fuel vehicle" means a motor
1 6 vehicle which is powered by an engine capable of operating
1 7 using E=85 gasoline.
1 8 NEW SUBSECTION. 16A. "Nonblended gasoline" means gasoline
1 9 other than ethanol blended gasoline.
1 10 Sec. 2. Section 214A.2, subsection 4, paragraph b, Code
1 11 2011, is amended by adding the following new subparagraph:
1 12 NEW SUBPARAGRAPH. (4) Biodiesel blended fuel classified as
1 13 from B=6 through B=20 must conform to A.S.T.M. international
1 14 specification D7467 or a successor A.S.T.M. international
1 15 specification as established by rules adopted by the
1 16 department.
1 17 Sec. 3. Section 214A.16, subsection 1, Code 2011, is amended
1 18 by striking the subsection and inserting in lieu thereof the
1 19 following:
1 20 1. A motor fuel pump shall be affixed with a decal
1 21 identifying the motor fuel that it dispenses, as required in
1 22 this subsection.
1 23 a. If the motor fuel is gasoline, the following shall apply:
1 24 (1) For gasoline not blended with ethanol, the decal shall
1 25 identify it as nonblended gasoline.
1 26 (2) For gasoline classified as higher than standard ethanol
1 27 blended gasoline pursuant to section 214A.2, the decal shall
1 28 identify it as being for use in flexible fuel vehicles only.
1 29 b. If the motor fuel is biodiesel fuel, the decal shall
1 30 identify the biodiesel fuel as provided in 16 C.F.R. pt. 306.
1 31 Sec. 4. Section 422.11N, subsection 1, paragraph a, Code
1 32 2011, is amended to read as follows:
1 33 a. "E=85 gasoline", "ethanol", "ethanol blended gasoline",
1 34 "gasoline", "flexible fuel vehicle", and "retail dealer" mean the
1 35 same as defined in section 214A.1.



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2 1 Sec. 5. Section 422.11N, subsection 1, paragraph b, Code
2 2 2011, is amended by striking the paragraph.

2 3 Sec. 6. Section 452A.2, subsection 18, Code 2011, is amended
2 4 to read as follows:

2 5 18. "Flexible fuel vehicle" means ~~a motor vehicle as defined~~
~~2 6 in section 321M.1 which is powered by an engine capable of~~
~~2 7 operating using E-85 gasoline the same as defined in section~~
2 8 214A.1.

2 9 DIVISION II
2 10 TAXES IMPOSED UPON BIODIESEL FUEL

2 11 Sec. 7. Section 452A.2, Code 2011, is amended by adding the
2 12 following new subsection:

2 13 NEW SUBSECTION. 9A. "Diesel fuel" means the same as defined
2 14 in section 214A.1.

2 15 Sec. 8. Section 452A.2, subsection 29, Code 2011, is amended
2 16 to read as follows:

2 17 29. "Nonterminal storage facility" means a facility where
2 18 motor fuel or special fuel, other than liquefied petroleum
2 19 gas, is stored that is not supplied by a pipeline or a marine
2 20 vessel. "Nonterminal storage facility" includes a facility that
2 21 manufactures products such as ~~ethanol as defined in section~~
~~2 22 214A.1,~~ biofuel, blend stocks, or additives which may be used
2 23 as motor fuel or special fuel, other than liquefied petroleum
2 24 gas, for operating motor vehicles or aircraft.

2 25 Sec. 9. Section 452A.3, subsection 3, Code 2011, is amended
2 26 to read as follows:

2 27 3. a. For the privilege of operating motor vehicles or
2 28 aircraft in this state, there is imposed an excise tax on the
2 29 use of special fuel in a motor vehicle or aircraft.

2 30 (1) The tax rate on special fuel for diesel engines of motor
2 31 vehicles is twenty=two and one=half cents per gallon. The tax
2 32 rate on biodiesel for diesel engines of motor vehicles shall
2 33 be determined on a volume basis with the gross metered gallons
2 34 adjusted to sixty degrees Fahrenheit.

2 35 (2) The rate of tax on special fuel for aircraft is three



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3 1 cents per gallon.
3 2 (3) On all other special fuel, unless otherwise specified in
3 3 this section, the per gallon rate is the same as the motor fuel
3 4 tax.
3 5 b. Indelible dye meeting United States environmental
3 6 protection agency and internal revenue service regulations
3 7 must be added to special fuel before or upon withdrawal at a
3 8 terminal or refinery rack for that special fuel to be exempt
3 9 from tax and the dyed special fuel may be used only for an
3 10 exempt purpose.
3 11 Sec. 10. Section 452A.17, subsection 1, paragraph a, Code
3 12 2011, is amended by adding the following new subparagraph:
3 13 NEW SUBPARAGRAPH. (11) Diesel fuel used by a nonterminal
3 14 storage facility to blend with biodiesel to produce biodiesel
3 15 blended fuel, if the biodiesel blended fuel is distributed
3 16 to a blender licensed pursuant to section 452A.6 who is also
3 17 required to pay the excise tax on the same diesel fuel.
3 18 Sec. 11. Section 452A.86, Code 2011, is amended to read as
3 19 follows:
3 20 452A.86 Method of determining gallonage.
3 21 1. The exclusive method of determining gallonage of
3 22 any purchases or sales of motor fuel, undyed special fuel,
3 23 compressed natural gas, or liquefied petroleum gas as defined
3 24 in this chapter and distillate fuels shall be on a gross volume
3 25 basis. A temperature-adjusted or other method shall not be
3 26 used, except as it applies to biodiesel, liquefied petroleum
3 27 gas, ~~and~~ or the sale or exchange of petroleum products between
3 28 petroleum refiners. All invoices, bills of lading, or other
3 29 records of sale or purchase and all returns or records required
3 30 to be made, kept, and maintained by a supplier, restrictive
3 31 supplier, importer, exporter, blender, or compressed natural
3 32 gas or liquefied petroleum gas dealer or user shall be made,
3 33 kept, and maintained on the gross volume basis.
3 34 2. For purposes of this section, "distillate fuels" means
3 35 any fuel oil, gas oil, topped crude oil, or other petroleum



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4 1 oils derived by refining or processing crude oil or unfinished
4 2 oils which have a boiling range at atmospheric pressure which
4 3 falls completely or in part between five hundred fifty and
4 4 twelve hundred degrees Fahrenheit.

4 5 DIVISION III

4 6 INCOME TAX CREDITS FOR RETAIL DEALERS OF RENEWABLE FUEL

4 7 Sec. 12. Section 422.11N, subsection 3, Code 2011, is
4 8 amended by adding the following new paragraph:

4 9 NEW PARAGRAPH. c. The department has received the retail
4 10 dealer's motor fuel gallonage report for the immediately prior
4 11 determination period beginning January 1 and ending December
4 12 31, as required in section 452A.33. The report must have been
4 13 received by the department on or before the report's due date.
4 14 If the retail dealer submits the report on a quarterly or
4 15 monthly basis as provided in that section, the department must
4 16 have received all such reports by the same due date.

4 17 Sec. 13. Section 422.11O, subsection 2, Code 2011, is
4 18 amended by adding the following new paragraph:

4 19 NEW PARAGRAPH. c. The department has received the retail
4 20 dealer's motor fuel gallonage report for the immediately prior
4 21 determination period beginning January 1 and ending December
4 22 31, as required in section 452A.33. The report must have been
4 23 received by the department on or before the report's due date.
4 24 If the retail dealer submits the report on a quarterly or
4 25 monthly basis as provided in that section, the department must
4 26 have received all such reports by the same due date.

4 27 Sec. 14. Section 422.11P, subsection 2, paragraph a, Code
4 28 2011, is amended by adding the following new subparagraph:

4 29 NEW SUBPARAGRAPH. (4) The department has received the
4 30 retail dealer's motor fuel gallonage report for the immediately
4 31 prior determination period beginning January 1 and ending
4 32 December 31, as required in section 452A.33. The report
4 33 must have been received by the department on or before the
4 34 report's due date. If the retail dealer submits the report on
4 35 a quarterly or monthly basis as provided in that section, the



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5 1 department must have received all such reports by the same due
5 2 date.

5 3 Sec. 15. Section 452A.33, subsection 1, paragraph a,
5 4 unnumbered paragraph 1, Code 2011, is amended to read as
5 5 follows:

5 6 Each retail dealer shall submit a motor fuel gallonage
5 7 report, detailing its total motor fuel gallonage for a
5 8 determination period as follows:

5 9 EXPLANATION

5 10 GENERAL. This bill amends provisions in a number of Code
5 11 chapters relating to motor fuel sold in this state, including
5 12 motor fuel that contains a percentage of a biofuel (biodiesel
5 13 or ethanol).

5 14 REGULATION OF MOTOR FUEL. The bill amends several
5 15 provisions in Code chapter 214A, which regulates the sale
5 16 of motor fuel by the department of agriculture and land
5 17 stewardship (DALS). The bill establishes a standard for
5 18 biodiesel blended fuel based on A.S.T.M. international
5 19 specifications. It also rewrites a provision that requires
5 20 that a motor fuel pump be affixed with a decal (label)
5 21 informing the traveling public whether it is dispensing a motor
5 22 fuel containing ethanol or biodiesel. It retains the label
5 23 requirement for a motor fuel pump dispensing E=85 gasoline
5 24 for flexible fuel vehicles or biodiesel blended fuel for
5 25 diesel-powered motor vehicles, removes a provision requiring a
5 26 label for a motor fuel pump dispensing other types of ethanol
5 27 blended fuel (standard ethanol blended gasoline), and requires
5 28 a label for a motor fuel pump dispensing gasoline without an
5 29 ethanol component (nonblended gasoline).

5 30 EXCISE TAXES IMPOSED UPON BIODIESEL FUEL. The bill amends
5 31 provisions in Code chapter 452A which relate to an excise tax
5 32 imposed upon biodiesel fuel. Generally, an excise tax is
5 33 imposed on each gallon of motor fuel, including biodiesel fuel
5 34 (Code section 452A.3) based on a gross volume basis without
5 35 adjustment (Code section 452A.86). The bill does not directly



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6 1 change the excise tax imposed on biodiesel fuel, but changes
6 2 how the gallonage is calculated at the meter, by requiring that
6 3 the excise tax be assessed after adjusting the biodiesel's
6 4 temperature to 60 degrees Fahrenheit.

6 5 The bill also provides for a refund of excise taxes paid
6 6 on diesel fuel by nonterminal storage facilities. A person
6 7 who manufactures a biofuel, including ethanol or biodiesel for
6 8 distribution, is classified as a nonterminal storage facility
6 9 (Code section 452A.2). A nonterminal storage facility is
6 10 required to pay an excise tax on diesel fuel used in producing
6 11 biodiesel blended fuel. The bill provides that the nonterminal
6 12 storage facility is entitled to a refund of the excise tax paid
6 13 on diesel fuel if the biodiesel blended fuel is distributed
6 14 to a licensed blender (Code section 452A.6) who must pay the
6 15 excise tax on that same diesel fuel.

6 16 INCOME TAX CREDITS FOR RETAIL DEALERS OF MOTOR FUEL WHICH
6 17 CONTAINS ETHANOL OR BIODIESEL. Code chapter 422 establishes a
6 18 tax credit for the promotion of ethanol blended gasoline (Code
6 19 sections 422.11N and 422.33(11A)), E=85 gasoline (Code sections
6 20 422.11O and 422.33(11B)), and biodiesel blended motor fuel
6 21 (Code sections 422.11P and 422.33(11C)). The bill provides
6 22 that in order for a retail dealer to claim a tax credit, it must
6 23 comply with an existing statute that requires a retail dealer
6 24 to submit a motor fuel gallonage report (Code section 452A.33)
6 25 for its latest determination period (calendar year). The
6 26 report includes the retail dealer's total gasoline gallonage,
6 27 ethanol gallonage, ethanol blended gasoline gallonage, E=85
6 28 gasoline gallonage, diesel gallonage, and biodiesel gallonage
6 29 for each motor fuel site or other permanent or temporary
6 30 location owned or operated by the retail dealer.

LSB 1832XC (6) 84

da/nh



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Senate Study Bill 1148

SENATE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SENG)

A BILL FOR

1 An Act relating to the promotion of biodiesel fuel, by
2 providing for tax credits to retail dealers and payments to
3 biodiesel producers, making an appropriation, providing a
4 penalty and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1834XC (5) 84
da/rj



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1 1 DIVISION I
1 2 BIODIESEL BLENDED FUEL TAX CREDIT
1 3 Section 1. Section 422.11P, Code 2011, is amended by adding
1 4 the following new subsection:
1 5 NEW SUBSECTION. 1A. For purposes of this section, biodiesel
1 6 fuel shall be classified in the same manner as provided in
1 7 section 214A.2.
1 8 Sec. 2. Section 422.11P, subsection 2, paragraph a,
1 9 subparagraph (2), Code 2011, is amended by striking the
1 10 subparagraph.
1 11 Sec. 3. Section 422.11P, subsection 2, paragraph b, Code
1 12 2011, is amended to read as follows:
1 13 b. The tax credit shall apply to biodiesel blended fuel
1 14 ~~formulated with a minimum percentage of two percent by volume~~
1 15 ~~of biodiesel classified as B=5 or higher, if the formulation~~
1 16 ~~biodiesel blended fuel meets the standards provided in~~
1 17 ~~requirements for that classification as provided in section~~
1 18 ~~214A.2.~~
1 19 Sec. 4. Section 422.11P, subsection 3, Code 2011, is amended
1 20 to read as follows:
1 21 3.a. ~~The tax credit shall be calculated separately for~~
1 22 ~~each retail motor fuel site operated by the retail dealer.~~
1 23 ~~b.~~ The amount of the tax credit is ~~three cents~~ a designated
1 24 amount multiplied by the total number of gallons of biodiesel
1 25 blended fuel sold and dispensed by the retail dealer through
1 26 all motor fuel pumps located at a retail motor fuel site
1 27 operated by the retail dealer during the retail dealer's tax
1 28 year. The designated amount is as follows:
1 29 a. For biodiesel blended fuel classified as B=5 or higher
1 30 but not higher than B=9, two cents.
1 31 b. For biodiesel blended fuel classified as B=10 or higher
1 32 but not higher than B=99, four cents.
1 33 Sec. 5. Section 422.11P, subsection 6, Code 2011, is amended
1 34 to read as follows:
1 35 6. This section is repealed January 1, ~~2012~~ 2015.



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2 1 Sec. 6. Section 422.33, subsection 11C, paragraph c, Code
2 2 2011, is amended by striking the paragraph.

2 3 Sec. 7. Section 422.33, subsection 11C, paragraph d, Code
2 4 2011, is amended to read as follows:

2 5 d. This subsection is repealed on January 1, ~~2012~~ 2015.

2 6 Sec. 8. FUTURE APPLICABILITY DATE. Section 422.11P and
2 7 section 422.33, as amended by this Act, shall apply to tax
2 8 years beginning on or after January 1, 2012.

2 9 Sec. 9. TAX CREDIT AVAILABILITY UNDER PRIOR LAW. A retail
2 10 dealer who could claim a biodiesel blended fuel tax credit
2 11 under section 422.11P or 422.33, subsection 11C, as that
2 12 section or subsection exists on June 30, 2011, may continue
2 13 to claim the tax credit for biodiesel blended fuel sold and
2 14 dispensed by the retail dealer until December 31, 2011, as
2 15 provided in that section or subsection.

2 16 Sec. 10. 2006 Iowa Acts, chapter 1142, section 49,
2 17 subsection 5, is amended to read as follows:

2 18 5. ~~For~~ This subsection applies to a retail dealer who
2 19 may claim a biodiesel blended fuel tax credit under section
2 20 422.11P or 422.33, subsection 11C, as enacted in this Act or
2 21 as subsequently amended, in calendar year ~~2011~~ 2014 and whose
2 22 tax year ends prior to December 31, ~~2011~~, the 2014. The retail
2 23 dealer may continue to claim the tax credit in the retail
2 24 dealer's following tax year. In that case, the tax credit
2 25 shall be calculated in the same manner as provided in section
2 26 422.11P or 422.33, subsection 11C, as ~~enacted in this Act~~
~~2 27 that section or subsection exists on December 31, 2014, for~~
2 28 the remaining period beginning on the first day of the retail
2 29 dealer's new tax year until December 31, ~~2011~~ 2014. For that
2 30 remaining period, the tax credit shall be calculated in the
2 31 same manner as a retail dealer whose tax year began on the
2 32 previous January 1 and who is calculating the tax credit on
2 33 December 31, ~~2011~~ 2014.

2 34 Sec. 11. EFFECTIVE DATE. This division of this Act takes
2 35 effect January 1, 2012.



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3 1 DIVISION II
3 2 BIODIESEL PRODUCTION PAYMENT
3 3 Sec. 12. Section 422.7, Code 2011, is amended by adding the
3 4 following new subsection:
3 5 NEW SUBSECTION. 54. Subtract, to the extent included, the
3 6 amount of any biodiesel production payment provided pursuant
3 7 to section 422.132.
3 8 Sec. 13. Section 422.35, Code 2011, is amended by adding the
3 9 following new subsection:
3 10 NEW SUBSECTION. 25. Subtract, to the extent included, the
3 11 amount of any biodiesel production payment provided pursuant
3 12 to section 422.132.
3 13 Sec. 14. NEW SECTION. 422.131 Definitions.
3 14 As used in this division, unless the context otherwise
3 15 requires:
3 16 1. "Biodiesel" and "biodiesel blended fuel" means the same
3 17 as defined in section 214A.1.
3 18 2. "Biodiesel producer" means a person engaged in the
3 19 manufacturing of biodiesel who has registered with the United
3 20 States environmental protection agency as a manufacturer
3 21 according to the requirements in 40 C.F.R. { 79.4.
3 22 Sec. 15. NEW SECTION. 422.132 Biodiesel production payment.
3 23 1. A biodiesel producer may receive a biodiesel production
3 24 payment by doing all of the following:
3 25 a. Producing biodiesel for use in biodiesel blended fuel.
3 26 b. Complying with the requirements of this section and rules
3 27 adopted by the department pursuant to this section.
3 28 2. The amount of the biodiesel production payment shall be
3 29 calculated by multiplying a designated rate by the total number
3 30 of gallons of biodiesel produced by the biodiesel producer
3 31 in this state during each quarter of a calendar year. The
3 32 designated rate shall be as follows:
3 33 a. For the calendar year 2012, three cents.
3 34 b. For the calendar year 2013, three cents.
3 35 c. For the calendar year 2014, two cents.



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4 1 3. To receive a biodiesel production payment, the biodiesel
4 2 producer must file a claim for each quarterly period of a
4 3 calendar year as required by rules adopted by the department
4 4 and on forms prescribed by the department. The claim must be
4 5 filed on or before the last day of the month following the
4 6 close of the quarterly period.

4 7 4. There is appropriated from moneys in the general fund of
4 8 the state, which are not otherwise obligated or encumbered, an
4 9 amount sufficient to provide biodiesel production payments to
4 10 biodiesel producers as provided in this section.

4 11 Sec. 16. NEW SECTION. 422.133 Penalty.

4 12 A person fraudulently claiming a payment in excess of the
4 13 entitled amount of a biodiesel production payment is guilty of
4 14 a serious misdemeanor.

4 15 Sec. 17. NEW SECTION. 422.134 Repeal.

4 16 This division is repealed on January 1, 2015.

4 17 Sec. 18. DIRECTIONS TO CODE EDITOR. The Code editor shall
4 18 codify sections 422.131 and 422.132 as a new division in
4 19 chapter 422.

4 20 Sec. 19. EFFECTIVE DATE. This division of this Act is
4 21 effective on January 1, 2012.

4 22 EXPLANATION

4 23 GENERAL. This bill provides for the promotion of biodiesel
4 24 used in the manufacture of motor fuel which is a blend of
4 25 diesel fuel and biodiesel (biodiesel blended fuel). Biodiesel
4 26 fuel is designated B=xx where "xx" is the volume percent of
4 27 biodiesel (Code section 214A.2). For example, all biodiesel
4 28 blended fuel must be classified as B=1 or higher, meaning at
4 29 least 1 percent of biodiesel blended fuel by volume must be
4 30 biodiesel. The provisions of the bill are administered by the
4 31 department of revenue.

4 32 The bill includes two divisions. First, the bill amends
4 33 current provisions which establish a biodiesel blended fuel
4 34 tax credit for retail dealers, and second, the bill provides
4 35 payments to biodiesel producers.



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5 1 DIVISION I ==== BIODIESEL BLENDED FUEL TAX CREDIT. Under
5 2 current law a retail dealer who sells and dispenses diesel fuel
5 3 from a motor fuel pump is eligible for a biodiesel blended fuel
5 4 tax credit. The tax credit is multiplied by taking a constant
5 5 rate of 3 cents multiplied by the number of gallons of B=2 or
5 6 higher sold and dispensed. The tax credit is due to expire on
5 7 January 1, 2012.
5 8 The bill eliminates an eligibility requirement specifying
5 9 that the retail dealer of diesel fuel must sell and dispense
5 10 50 percent or more biodiesel blended fuel during the tax year.
5 11 It increases the minimum biodiesel classification from B=2 to
5 12 B=5. The amount of the tax credit is changed depending upon
5 13 the classification. The designated rate for B=5 to B=9 is 2
5 14 cents and the designated rate for B=10 to B=99 is 4 cents. The
5 15 tax credit's expiration date is extended to January 1, 2015.
5 16 DIVISION II ==== BIODIESEL PRODUCTION PAYMENT. The bill
5 17 creates a program to pay biodiesel producers for production.
5 18 The amount of the payment is calculated by multiplying a
5 19 designated rate by the total number of gallons of biodiesel
5 20 produced during each quarter of a calendar year, beginning
5 21 in calendar year 2012 and ending in calendar year 2014. The
5 22 bill appropriates moneys from the general fund of the state to
5 23 finance the payments. The program terminates on January 1,
5 24 2015. A person fraudulently claiming a payment in excess of
5 25 the entitled amount of a biodiesel production payment is guilty
5 26 of a serious misdemeanor. A serious misdemeanor is punishable
5 27 by confinement for no more than one year and a fine of at least
5 28 \$315 but not more than \$1,875.

LSB 1834XC (5) 84

da/rj



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Senate Study Bill 1149

SENATE FILE
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON SENG)

A BILL FOR

1 An Act relating to ethanol by providing for tax credits and
2 reporting for ethanol blended gasoline, and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1833XC (6) 84
da/rj



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Senate Study Bill 1149 continued

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1 1 Section 1. Section 2.48, subsection 3, paragraph d,
1 2 subparagraph (5), Code 2011, is amended to read as follows:
1 3 (5) The ~~ethanol~~ E=15 promotion tax credits available under
1 4 section 422.11N.
1 5 Sec. 2. Section 422.11N, subsection 1, paragraph f, Code
1 6 2011, is amended to read as follows:
1 7 f. "Tax credit" means the ~~ethanol~~ E=15 promotion tax credit
1 8 as provided in this section.
1 9 Sec. 3. Section 422.11N, subsection 3, Code 2011, is amended
1 10 to read as follows:
1 11 3. The taxes imposed under this division, less the tax
1 12 credits allowed under section 422.12, shall be reduced by an
1 13 ~~ethanol~~ E=15 gasoline promotion tax credit for each tax year
1 14 that the taxpayer is eligible to claim the tax credit under
1 15 this section. In order to be eligible, all of the following
1 16 must apply:
1 17 a. The taxpayer is a retail dealer who sells and dispenses
1 18 ethanol blended gasoline designated as E=15 or higher pursuant
1 19 to section 214A.2 through a motor fuel pump in the tax year in
1 20 which the tax credit is claimed.
1 21 b. The retail dealer complies with requirements of the
1 22 department to administer this section.
1 23 Sec. 4. Section 422.11N, subsection 4, paragraph d, Code
1 24 2011, is amended by striking the paragraph.
1 25 Sec. 5. Section 422.11N, subsection 5, paragraph a,
1 26 unnumbered paragraph 1, Code 2011, is amended to read as
1 27 follows:
1 28 For a retail dealer whose tax year is the same as a
1 29 determination period beginning on January 1 and ending on
1 30 December 31, the retail dealer's tax credit is calculated by
1 31 multiplying the retail dealer's total ethanol gallonage from
1 32 ethanol blended gasoline designated as E=15 or higher, pursuant
1 33 to section 214A.2, by a tax credit rate, which may be adjusted
1 34 based on the retail dealer's biofuel threshold percentage
1 35 disparity. The tax credit rate is as follows:



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2 1 Sec. 6. Section 422.11N, subsection 5, paragraph a,
2 2 subparagraph (1), Code 2011, is amended to read as follows:
2 3 (1) For any tax year in which the retail dealer has attained
2 4 a biofuel threshold percentage for the determination period,
2 5 the tax credit rate is ~~six~~ sixteen and one-half cents.
2 6 Sec. 7. Section 422.11N, subsection 5, paragraph a,
2 7 subparagraph (2), subparagraph divisions (a) and (b), Code
2 8 2011, are amended to read as follows:
2 9 (a) If the retail dealer's biofuel threshold percentage
2 10 disparity equals two percent or less, the tax credit rate is
2 11 ~~four~~ fourteen and one-half cents.
2 12 (b) If the retail dealer's biofuel threshold percentage
2 13 disparity equals more than two percent but not more than four
2 14 percent, the tax credit rate is ~~two~~ twelve and one-half cents.
2 15 Sec. 8. Section 422.11N, subsection 6, Code 2011, is amended
2 16 to read as follows:
2 17 6. A retail dealer is eligible to claim an ~~ethanol~~ E=15
2 18 gasoline promotion tax credit as provided in this section even
2 19 though the retail dealer claims an E=85 gasoline promotion tax
2 20 credit pursuant to section 422.110 for the same tax year and
2 21 for the same ethanol gallonage.
2 22 Sec. 9. Section 422.110, subsection 5, Code 2011, is amended
2 23 to read as follows:
2 24 5. A retail dealer is eligible to claim an E=85 gasoline
2 25 promotion tax credit as provided in this section even though
2 26 the retail dealer claims an ~~ethanol~~ E=15 gasoline promotion tax
2 27 credit pursuant to section 422.11N for the same tax year for
2 28 the same ethanol gallonage.
2 29 Sec. 10. Section 422.33, subsection 11A, unnumbered
2 30 paragraph 1, Code 2011, is amended to read as follows:
2 31 The taxes imposed under this division shall be reduced by
2 32 an ~~ethanol~~ E=15 promotion tax credit for each tax year that
2 33 the taxpayer is eligible to claim the tax credit under this
2 34 subsection.
2 35 Sec. 11. Section 422.33, subsection 11A, paragraphs a and b,



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3 1 Code 2011, are amended to read as follows:

3 2 a. The taxpayer shall claim the tax credit in the same
3 3 manner as provided in section 422.11N. The taxpayer may claim
3 4 the tax credit according to the same requirements, for the same
3 5 amount, and calculated in the same manner, as provided for the
3 6 ~~ethanol~~ E=15 promotion tax credit pursuant to section 422.11N.

3 7 b. Any ~~ethanol~~ E=15 promotion tax credit which is in excess
3 8 of the taxpayer's tax liability shall be refunded or may be
3 9 shown on the taxpayer's final, completed return credited to the
3 10 tax liability for the following tax year in the same manner as
3 11 provided in section 422.11N.

3 12 Sec. 12. Section 452A.31, subsection 2, paragraph a,
3 13 subparagraph (1), Code 2011, is amended to read as follows:

3 14 (1) The total ethanol blended gasoline gallonage which
3 15 is the retail dealer's total number of gallons of ethanol
3 16 blended gasoline and which includes any subclassification
3 17 required by the department. However, the total ethanol blended
3 18 gasoline gallonage must at least include all of the following
3 19 subclassifications:

3 20 (a) The total ~~E=xx~~ E=10 gasoline gallonage which is the
3 21 total number of gallons of ethanol blended gasoline ~~other than~~
3 22 ~~E=85 gasoline~~ designated as E=9 or E=10.

3 23 (b) The total E=15 gasoline gallonage which is the total
3 24 number of gallons of ethanol blended gasoline designated as
3 25 E=11 to E=15.

3 26 (c) The total ~~E=85~~ flexible fuel gasoline gallonage which
3 27 is the total number of gallons of ethanol blended gasoline
3 28 designated as E=16 to E=85 gasoline.

3 29 Sec. 13. Section 452A.31, subsection 4, paragraph a,
3 30 subparagraph (1), Code 2011, is amended by striking the
3 31 subparagraph and inserting in lieu thereof the following:

3 32 (1) The aggregate ethanol blended gasoline gallonage which
3 33 is the aggregate total number of gallons of ethanol blended
3 34 gasoline and which includes the aggregate ethanol blended
3 35 gasoline gallonage for each subclassification provided for in



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4 1 subsection 2.

4 2 Sec. 14. NEW SECTION. 452A.34 Classification of ethanol
4 3 blended fuel.

4 4 For purposes of this division, ethanol blended fuel shall be
4 5 classified in the same manner as provided in section 214A.2.

4 6 Sec. 15. 2006 Iowa Acts, chapter 1142, section 49,
4 7 subsection 2, as amended by 2006 Iowa Acts, chapter 1175,
4 8 section 17, is amended to read as follows:

4 9 2. For a retail dealer who may claim an ~~ethanol~~ E=15
4 10 promotion tax credit under section 422.11N or 422.33,

4 11 subsection 11A, as enacted in this Act and amended in
4 12 subsequent Acts, in calendar year 2020 and whose tax year ends

4 13 prior to December 31, 2020, the retail dealer may continue to
4 14 claim the tax credit in the retail dealer's following tax year.

4 15 In that case, the tax credit shall be calculated in the same
4 16 manner as provided in section 422.11N or 422.33, subsection
4 17 11A, as enacted in this Act and amended in subsequent Acts,

4 18 for the remaining period beginning on the first day of the
4 19 retail dealer's new tax year until December 31, 2020. For
4 20 that remaining period, the tax credit shall be calculated in
4 21 the same manner as a retail dealer whose tax year began on the
4 22 previous January 1 and who is calculating the tax credit on
4 23 December 31, 2020.

4 24 Sec. 16. EFFECTIVE DATE. This Act takes effect January 1,
4 25 2012.

4 26 Sec. 17. APPLICABILITY. The sections of this Act amending
4 27 section 422.11N and section 422.33, subsection 11A, and the
4 28 section of this Act amending 2006 Iowa Acts, chapter 1142,
4 29 section 49, subsection 2, as amended by 2006 Iowa Acts, chapter
4 30 1175, section 17, apply to tax years beginning on or after
4 31 January 1, 2012.

4 32 EXPLANATION

4 33 GENERALLY. The bill relates to ethanol blended gasoline
4 34 regulated by the department of agriculture and land stewardship
4 35 pursuant to Code chapter 214A and classified according to the



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5 1 percentage of ethanol blended into the gasoline (e.g., E=10
5 2 means a gallon of gasoline containing 10 percent ethanol).
5 3 ETHANOL PROMOTION TAX CREDIT. The bill amends the ethanol
5 4 promotion tax credit which is calculated separately for each
5 5 retail motor fuel site from which the retail dealer sells and
5 6 dispenses ethanol blended gasoline (Code sections 422.11N and
5 7 422.33, subsection 11A). The tax credit rate depends upon the
5 8 number of gallons of ethanol blended gasoline and biodiesel
5 9 blended fuel that a retail dealer sold throughout a calendar
5 10 year (referred to as a determination period). The amount of
5 11 the tax credit depends upon whether the retail dealer met that
5 12 biofuel threshold. This bill renames the tax credit as the
5 13 E=15 promotion tax credit, and provides that the tax credit
5 14 applies only to those gallons of ethanol blended gasoline
5 15 designated as E=15 or higher. It also allows a retail dealer
5 16 filing a tax return on a noncalendar year basis to claim the
5 17 tax credit. The tax credit is eliminated on January 1, 2021.
5 18 REPORTING. The bill also amends reporting requirements
5 19 by retail dealers and the department of revenue. A retail
5 20 dealer's report calculates the total motor fuel gallonage,
5 21 and further divides that number based on a number of
5 22 classifications depending upon the type of motor fuel sold,
5 23 including ethanol blended gasoline gallonage. The department
5 24 then calculates the aggregate total for the motor fuel
5 25 gallonage including by classification for the determination
5 26 period. The bill revises the reporting classifications for
5 27 ethanol blended gasoline, by including subclassifications for
5 28 E=9 and E=10, E=11 to E=15, and E=16 to E=85. It provides that
5 29 the department may establish additional subclassifications.
5 30 The bill is effective on January 1, 2012, and tax credit
5 31 provisions are applicable to the tax years beginning on or
5 32 after that date.

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da/rj



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Senate Study Bill 1150

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act authorizing the Iowa state fair board to establish an
2 endowment fund to receive gifts in trust dedicated to the
3 maintenance and improvement of the Iowa state fairgrounds.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2668SC (4) 84
da/rj



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1 1 Section 1. Section 22.7, subsection 52, paragraph a,
1 2 unnumbered paragraph 1, Code 2011, is amended to read as
1 3 follows:

1 4 The following records relating to a charitable donation made
1 5 to a foundation acting solely for the support of an institution
1 6 governed by the state board of regents, to the board of the
1 7 Iowa state fair foundation when the record relates to a gift
1 8 for deposit in or expenditure from the Iowa state fairgrounds
1 9 trust fund as provided in section 173.22A, to a foundation
1 10 acting solely for the support of an institution governed by
1 11 chapter 260C, to a private foundation as defined in section
1 12 509 of the Internal Revenue Code organized for the support of
1 13 a government body, or to an endow Iowa qualified community
1 14 foundation, as defined in section 15E.303, organized for the
1 15 support of a government body:

1 16 Sec. 2. Section 173.11, subsection 3, Code 2011, is amended
1 17 to read as follows:

1 18 3. Administer the ~~funds~~ foundation fund under the control of
1 19 the Iowa state fair foundation, in its capacity as the board
1 20 of the Iowa state fair foundation, as directed by the board
1 21 ~~and.~~ The treasurer shall administer the fund in accordance
1 22 with procedures of the treasurer of state, and maintain a
1 23 correct account of receipts and disbursements of assets of the
1 24 foundation fund.

1 25 Sec. 3. Section 173.14, subsection 11, Code 2011, is amended
1 26 to read as follows:

1 27 11. Administer the Iowa state fair foundation created in
1 28 section 173.22 in its capacity as the board of the Iowa state
1 29 fair foundation.

1 30 a. ~~In administering~~ The board shall administer the
1 31 foundation the board shall authorize fund by authorizing all
1 32 payments from the foundation fund. The board on behalf of the
1 33 foundation fund may contract, sue and be sued, and adopt rules
1 34 necessary to carry out the provisions of this subsection, but
1 35 the board in administering the foundation fund shall not in any



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2 1 manner, directly or indirectly, pledge the credit of the state.
2 2 b. The board shall administer the Iowa state fairgrounds
2 3 trust fund as trustees of an institutional endowment fund as
2 4 provided in section 173.22A.
2 5 Sec. 4. Section 173.22, Code 2011, is amended to read as
2 6 follows:
2 7 173.22 Iowa state fair foundation ~~====~~ foundation fund.
2 8 1. An Iowa state fair foundation is established under the
2 9 authority of the Iowa state fair board.
2 10 2. A foundation fund is created within the state treasury
2 11 composed of moneys appropriated or available to and obtained or
2 12 accepted by the foundation. The foundation fund shall include
2 13 moneys credited to the fund as provided in section 422.12D.
2 14 3. The foundation may solicit or accept gifts, including
2 15 donations and bequests. A gift, to the greatest extent
2 16 possible, shall be used according to the expressed desires of
2 17 the person providing the gift.
2 18 4. ~~Assets of~~ Moneys in the foundation fund shall be
2 19 used to support foundation activities, including foundation
2 20 administration, or capital projects or major maintenance
2 21 improvements at the Iowa state fairgrounds or to property under
2 22 the control of the board.
2 23 5. a. Foundation moneys credited to the foundation fund
2 24 may be expended on a matching basis with public moneys or Iowa
2 25 state fair authority receipts. All interest earned on moneys
2 26 in the foundation fund ~~or through other foundation assets~~ shall
2 27 be credited to and remain in the fund. Section 8.33 does not
2 28 apply to moneys in the fund.
2 29 b. The auditor of state shall conduct regular audits of the
2 30 foundation fund and shall make a certified report relating to
2 31 the condition of the ~~foundation and the~~ foundation fund to the
2 32 treasurer of the state, and to the treasurer and secretary of
2 33 the state fair board.
2 34 Sec. 5. NEW SECTION. 173.22A Iowa state fairgrounds trust
2 35 fund.



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3 1 1. An Iowa state fairgrounds trust fund is created as an
3 2 endowment fund under the authority and in the custody of the
3 3 Iowa state fair board in its capacity as the board of the
3 4 Iowa state fair foundation. The Iowa state fairgrounds trust
3 5 fund is not part of the state treasury. The fund shall be
3 6 composed exclusively of gifts accepted by the board in trust
3 7 from private donors or testators. The board may accept these
3 8 gifts in trust and shall fulfill its duties as trustee of
3 9 gifts accepted notwithstanding section 633.63. The trust
3 10 beneficiaries shall include all future attendees of events
3 11 held on the Iowa state fairgrounds. The fund shall be an
3 12 endowment fund to be used exclusively for the maintenance and
3 13 improvement of the Iowa state fairgrounds and for no other
3 14 purpose. The board shall decline any gifts not consistent with
3 15 these purposes.

3 16 2. Moneys in the Iowa state fairgrounds trust fund shall not
3 17 be deposited in the state treasury, but shall be held separate
3 18 and apart from both the state fair's operating moneys and the
3 19 state fair foundation fund established in section 173.22. The
3 20 board as trustee shall hold only legal title to these moneys,
3 21 which shall not form any part of the general fund of the state.
3 22 The moneys shall not be subject to appropriation by the general
3 23 assembly or subject to transfer pursuant to chapter 8. The
3 24 moneys are not and shall not be deemed public funds for any
3 25 purpose. The fund shall be an institutional endowment fund
3 26 within the meaning of and subject to chapter 540A. The fund
3 27 shall not be subject to audit by the auditor of state, but
3 28 shall be audited annually by a certified public accountant.
3 29 The annual audit shall be delivered to the auditor of state,
3 30 who may include it in any further report that the auditor of
3 31 state deems appropriate. However, an annual audit shall be a
3 32 confidential record to the extent required in section 22.7,
3 33 subsection 52. The moneys may be held in perpetuity, subject
3 34 to the provisions for release or modification of restrictions
3 35 on the moneys as provided in chapter 540A.



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4 1 Sec. 6. Section 422.12D, subsections 1 and 2, Code 2011, are
4 2 amended to read as follows:

4 3 1. A person who files an individual or a joint income tax
4 4 return with the department of revenue under section 422.13
4 5 may designate one dollar or more to be paid to the foundation
4 6 fund of the Iowa state fair foundation as established in
4 7 section 173.22. If the refund due on the return or the payment
4 8 remitted with the return is insufficient to pay the amount
4 9 designated by the taxpayer to the ~~Iowa state fair~~ foundation
4 10 fund, the amount designated shall be reduced to the remaining
4 11 amount of the refund or the remaining amount remitted with the
4 12 return. The designation of a contribution to the ~~Iowa state~~
~~4 13 fair foundation fund~~ under this section is irrevocable.

4 14 2. The director of revenue shall draft the income tax form
4 15 to allow the designation of contributions to the ~~Iowa state~~
~~4 16 fair foundation fund~~ on the tax return. The department, on or
4 17 before January 31, shall transfer the total amount designated
4 18 on the tax form due in the preceding year to the foundation
4 19 ~~fund created pursuant to section 173.22.~~

4 20 EXPLANATION

4 21 This bill creates an endowment trust fund known as the Iowa
4 22 state fairgrounds trust fund to be held by the Iowa state fair
4 23 board in its capacity as the Iowa state foundation board of
4 24 directors (a tax-exempt charitable organization under section
4 25 501(c)(3) of the Internal Revenue Code). The bill requires
4 26 that moneys in the fund must be used exclusively for the
4 27 maintenance and improvement of the Iowa state fairgrounds.
4 28 The fund must be held in perpetuity for the benefit of all
4 29 fairgoers and attendees of events at the state fairgrounds.
4 30 The fund must be composed exclusively of gifts accepted by the
4 31 board in trust from private donors or testators for deposit
4 32 into this fund. This fund is not part of the state treasury,
4 33 and is not subject to appropriation by the general assembly or
4 34 transfer by the department of management. Instead, the fund is
4 35 governed by Code chapter 540A (the "Uniform Prudent Management



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5 1 of Institutional Funds Act"). Records in possession of the
5 2 fair board that disclose a donor's or prospective donor's
5 3 personal information are confidential under Code chapter 22
5 4 governing Iowa's open records.
LSB 2668SC (4) 84
da/rj



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Senate Study Bill 1151

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act relating to the authority of the county auditor to
2 consolidate or divide election precincts or establish voting
3 centers.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2181XC (2) 84
sc/nh



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1 1 Section 1. Section 49.11, subsection 3, unnumbered
1 2 paragraph 1, Code 2011, is amended to read as follows:
1 3 The precincts established pursuant to section 49.7 shall
1 4 not be changed except in the manner provided in this section
1 5 or in a manner as otherwise provided by law. ~~However, for~~
~~1 6 For any election other than the primary or general election~~
~~1 7 or any special election held under section 69.14, the county~~
1 8 commissioner of elections may:
1 9 Sec. 2. Section 49.11, subsection 3, paragraph d, Code 2011,
1 10 is amended by striking the paragraph.
1 11 EXPLANATION
1 12 Current law allows the county commissioner of elections,
1 13 under certain circumstances, to consolidate or divide precincts
1 14 or establish voting centers for any election except the primary
1 15 and general elections. Current law also, under different
1 16 circumstances, allows the county commissioner of elections to
1 17 consolidate precincts for all elections, including the primary
1 18 and general elections. This bill removes the exceptions
1 19 for the primary and general elections and allows the county
1 20 commissioner of elections to consolidate or divide precincts or
1 21 establish voting centers for any election.
LSB 2181XC (2) 84
sc/nh



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Senate Study Bill 1152

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

- 1 An Act relating to the duties of the county auditor.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2034XC (5) 84
sc/nh



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1 1 Section 1. Section 48A.9, subsection 1, Code 2011, is
1 2 amended to read as follows:

1 3 1. Registration closes at ~~five~~ 5:00 p.m. eleven days
1 4 before each election except ~~primary and the general elections~~
~~1 5 election. For primary and the general elections election,~~
1 6 registration closes at ~~five~~ 5:00 p.m. ten days before the
1 7 election. An eligible elector may register during the time
1 8 registration is closed in the elector's precinct but the
1 9 registration shall not become effective until registration
1 10 opens again in the elector's precinct, except as otherwise
1 11 provided in section 48A.7A.

1 12 Sec. 2. Section 48A.26, subsection 3, Code 2011, is amended
1 13 to read as follows:

1 14 3. If the registration form is missing required information
1 15 pursuant to section 48A.11, subsection 8, the acknowledgment
1 16 shall advise the applicant what additional information is
1 17 required. The commissioner shall enclose a new registration
1 18 form for the applicant to use. If the registration form has
1 19 no address, the commissioner shall make a reasonable effort
1 20 to determine where the acknowledgment should be sent. If the
1 21 incomplete registration form is received during the period in
1 22 which registration is closed pursuant to section 48A.9 but by
1 23 ~~5:00 p.m. the close of business on the Saturday before the~~
1 24 election for general and primary elections or by ~~5:00 p.m.~~
~~1 25 the close of business on the Friday before the election for~~
1 26 all other elections, the commissioner shall send a notice
1 27 advising the applicant of election day and in-person absentee
1 28 registration procedures under section 48A.7A.

1 29 Sec. 3. Section 53.2, subsection 1, Code 2011, is amended
1 30 to read as follows:

1 31 1. a. Any registered voter, under the circumstances
1 32 specified in section 53.1, may on any day until noon on the day
~~1 33 before the election, except election day,~~ and not more than
1 34 seventy days prior to the date of the election, apply in person
1 35 for an absentee ballot at the commissioner's office or at any



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2 1 location designated by the commissioner. ~~However, for those~~
2 2 ~~elections in which the commissioner directs the polls be opened~~
2 3 ~~at noon pursuant to section 49.73, a voter may apply in person~~
2 4 ~~for an absentee ballot at the commissioner's office from 8:00~~
2 5 ~~a.m. until 11:00 a.m. on election day.~~

2 6 b. A registered voter may make written application to the
2 7 commissioner for an absentee ballot. A written application
2 8 for an absentee ballot must be received by the commissioner no
2 9 later than ~~5:00 p.m.~~ the close of business on the Friday before
2 10 the election. A written application for an absentee ballot
2 11 delivered to the commissioner and received by the commissioner
2 12 more than seventy days prior to the date of the election shall
2 13 be retained by the commissioner and processed in the same
2 14 manner as a written application received not more than seventy
2 15 days before the date of the election.

2 16 Sec. 4. Section 53.2, subsection 6, Code 2011, is amended
2 17 to read as follows:

2 18 6. If an application for an absentee ballot is received
2 19 from an eligible elector who is not a registered voter
2 20 the commissioner shall send the eligible elector a voter
2 21 registration form and another absentee ballot application form.
2 22 If the application is received after the time registration
2 23 closes pursuant to section 48A.9 but by ~~5:00 p.m.~~ the close
2 24 of business on the Saturday before the election for general
2 25 and primary elections or by ~~5:00 p.m.~~ the close of business on
2 26 the Friday before the election for all other elections, the
2 27 commissioner shall notify the applicant by mail of the election
2 28 day and in-person absentee registration provisions of section
2 29 48A.7A. In addition to notification by mail, the commissioner
2 30 shall also attempt to contact the applicant by any other method
2 31 available to the commissioner.

2 32 Sec. 5. Section 53.18, subsection 2, Code 2011, is amended
2 33 to read as follows:

2 34 2. If the commissioner receives the return envelope
2 35 containing the completed absentee ballot by ~~5:00 p.m.~~ the close



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3 1 of business on the Saturday before the election for general
3 2 and primary elections and by ~~5:00 p.m.~~ the close of business
3 3 on the Friday before the election for all other elections, the
3 4 commissioner shall open the envelope to review the affidavit
3 5 for completeness. If the affidavit is incomplete, the
3 6 commissioner shall, within twenty-four hours of the time the
3 7 envelope was received, notify the voter of that fact and that
3 8 the voter may complete the affidavit in person at the office of
3 9 the commissioner by 5:00 p.m. on the day before the election,
3 10 vote a replacement ballot in the manner and within the time
3 11 period provided in subsection 3, or appear at the voter's
3 12 precinct polling place on election day and cast a ballot in
3 13 accordance with section 53.19, subsection 3.

3 14 Sec. 6. Section 331.904, subsection 1, paragraph a, Code
3 15 2011, is amended to read as follows:

3 16 a. The annual base salary of the first and second deputy
3 17 officer of the office of auditor, treasurer, and recorder,
3 18 the deputy in charge of the motor vehicle registration and
3 19 title division, ~~and~~ the deputy in charge of driver's license
3 20 issuance, and the deputy in charge of voter registration and
3 21 elections shall each be an amount not to exceed eighty-five
3 22 percent of the annual salary of the deputy's principal officer.
3 23 In offices where more than two deputies are required, the
3 24 annual base salary of each additional deputy shall be an amount
3 25 not to exceed eighty percent of the principal officer's salary.
3 26 The amount of the annual base salary of each deputy shall be
3 27 certified by the principal officer to the board and, if a
3 28 deputy's annual base salary does not exceed the limitations
3 29 specified in this subsection, the board shall certify the
3 30 annual base salary to the auditor. The board shall not certify
3 31 a deputy's annual base salary which exceeds the limitations of
3 32 this subsection.

3 33 Sec. 7. Section 372.13, subsection 2, paragraph a,
3 34 unnumbered paragraph 1, Code 2011, is amended to read as
3 35 follows:



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4 1 By appointment by the remaining members of the council,
4 2 except that if the remaining members do not constitute a quorum
4 3 of the full membership, paragraph "b" shall be followed. The
4 4 appointment shall be made within forty days after the vacancy
4 5 occurs and shall be for the period until the next ~~pending~~
~~4 6 election as defined in section 69.12, and shall be made within~~
~~4 7 forty days after the vacancy occurs regular city election,~~
4 8 unless there is an intervening special election to fill a
4 9 vacancy in another elective city office in that city or there
4 10 is an intervening special election on a city ballot proposition
4 11 for that city, in which case the office shall be placed on
4 12 the ballot at such intervening election and the appointee's
4 13 term of appointment shall be until a successor is elected
4 14 and qualifies. If the council chooses to proceed under this
4 15 paragraph, it shall publish notice in the manner prescribed by
4 16 section 362.3, stating that the council intends to fill the
4 17 vacancy by appointment but that the electors of the city or
4 18 ward, as the case may be, have the right to file a petition
4 19 requiring that the vacancy be filled by a special election.
4 20 The council may publish notice in advance if an elected
4 21 official submits a resignation to take effect at a future date.
4 22 The council may make an appointment to fill the vacancy after
4 23 the notice is published or after the vacancy occurs, whichever
4 24 is later. However, if within fourteen days after publication
4 25 of the notice or within fourteen days after the appointment
4 26 is made, there is filed with the city clerk a petition which
4 27 requests a special election to fill the vacancy, an appointment
4 28 to fill the vacancy is temporary and the council shall call
4 29 a special election to fill the vacancy permanently, under
4 30 paragraph "b". The number of signatures of eligible electors of
4 31 a city for a valid petition shall be determined as follows:
4 32 Sec. 8. Section 443.2, unnumbered paragraph 1, Code 2011,
4 33 is amended to read as follows:
4 34 Before the ~~first~~ fifteenth day of July in each year,
4 35 the county auditor shall transcribe the assessments of the



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5 1 townships and cities into a book or record, to be known as the
5 2 tax list, properly ruled and headed, with separate columns, in
5 3 which shall be entered the names of the taxpayers, descriptions
5 4 of lands, number of acres and value, numbers of city lots and
5 5 value, and each description of tax, with a column for polls and
5 6 one for payments, and shall complete it by entering the amount
5 7 due on each installment, separately, and carrying out the total
5 8 of both installments. The total of all columns of each page of
5 9 each book or other record shall balance with the tax totals.
5 10 After computing the amount of tax due and payable on each
5 11 property, the county auditor shall round the total amount of
5 12 tax due and payable on the property to the nearest even whole
5 13 dollar.

5 14 Sec. 9. Section 443.4, Code 2011, is amended to read as
5 15 follows:

5 16 443.4 Tax list delivered === informality and delay.

5 17 The county auditor shall make an entry upon the tax list
5 18 showing what it is, for what county and year, and deliver
5 19 it to the county treasurer on or before ~~June 30~~ July 15,
5 20 taking the treasurer's receipt therefor; and such list shall
5 21 be a sufficient authority for the treasurer to collect the
5 22 taxes therein levied. No informality therein, and no delay
5 23 in delivering the same after the time above specified, shall
5 24 affect the validity of any taxes, sales, or other proceedings
5 25 for the collection of such taxes.

5 26 EXPLANATION

5 27 This bill makes changes relating to the duties of the county
5 28 auditor.

5 29 ELECTIONS AND VOTER REGISTRATION. Current law provides
5 30 that voter registration closes 11 days before the primary and
5 31 general elections and 10 days before all other elections. The
5 32 bill provides that voter registration closes 11 days before the
5 33 general election and 10 days before all other elections.

5 34 The bill changes the time for various deadlines relating to
5 35 voter registration and absentee voting from 5:00 p.m. on the



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6 1 specified day to the close of business on the specified day.
6 2 The 5:00 p.m. deadlines in current law for the final day to
6 3 file nomination papers with the state or county commissioner
6 4 and for matters pertaining to the day before the election are
6 5 retained.

6 6 The bill specifies that if an appointment is made to
6 7 fill a vacancy in an elective city office, the term of
6 8 appointment runs until the next regular city election, unless
6 9 an intervening special election on a city ballot proposition
6 10 or to fill another vacancy in an elective city office is held,
6 11 and, in that case, the vacancy shall be filled at such special
6 12 election.

6 13 PROPERTY TAX LISTS. The bill changes the deadline by which
6 14 the county auditor must prepare the tax list from before July 1
6 15 to before July 15. The bill also changes from June 30 to July
6 16 15 the deadline by which the auditor must deliver the tax list
6 17 to the county treasurer.

6 18 DEPUTY'S SALARY. Current law provides that the annual base
6 19 salary of the first and second deputy auditors shall not
6 20 exceed 85 percent of the auditor's salary. The bill provides
6 21 that the annual base salary of the deputy in charge of voter
6 22 registration and elections shall not exceed 85 percent of the
6 23 auditor's salary.

LSB 2034XC (5) 84

sc/nh



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Senate Study Bill 1153

SENATE FILE
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL
BY CHAIRPERSON
DANIELSON)

A BILL FOR

1 An Act relating to filling a vacancy in an elective city
2 office.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2167SC (1) 84
sc/nh



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1 1 Section 1. Section 372.13, subsection 2, paragraph a,
1 2 unnumbered paragraph 1, Code 2011, is amended to read as
1 3 follows:
1 4 By appointment by the remaining members of the council,
1 5 except that if the remaining members do not constitute a quorum
1 6 of the full membership, paragraph "b" shall be followed. The
1 7 appointment shall be made within forty days after the vacancy
1 8 occurs and shall be for the period until the next ~~pending~~
~~1 9 election as defined in section 69.12, and shall be made within~~
~~1 10 forty days after the vacancy occurs~~ regular city election,
1 11 unless there is an intervening special election to fill a
1 12 vacancy in another elective city office in that city or there
1 13 is an intervening special election on a city ballot proposition
1 14 for that city, in which case the office shall be placed on
1 15 the ballot at such intervening election and the appointee's
1 16 term of appointment shall be until a successor is elected
1 17 and qualifies. If the council chooses to proceed under this
1 18 paragraph, it shall publish notice in the manner prescribed by
1 19 section 362.3, stating that the council intends to fill the
1 20 vacancy by appointment but that the electors of the city or
1 21 ward, as the case may be, have the right to file a petition
1 22 requiring that the vacancy be filled by a special election.
1 23 The council may publish notice in advance if an elected
1 24 official submits a resignation to take effect at a future date.
1 25 The council may make an appointment to fill the vacancy after
1 26 the notice is published or after the vacancy occurs, whichever
1 27 is later. However, if within fourteen days after publication
1 28 of the notice or within fourteen days after the appointment
1 29 is made, there is filed with the city clerk a petition which
1 30 requests a special election to fill the vacancy, an appointment
1 31 to fill the vacancy is temporary and the council shall call
1 32 a special election to fill the vacancy permanently, under
1 33 paragraph "b". The number of signatures of eligible electors of
1 34 a city for a valid petition shall be determined as follows:

1 35 EXPLANATION



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2 1 This bill makes changes relating to filling a vacancy in an
2 2 elective city office.
2 3 The bill specifies that if an appointment is made to
2 4 fill a vacancy in an elective city office, the term of
2 5 appointment runs until the next regular city election, unless
2 6 an intervening special election on a city ballot proposition
2 7 or to fill another vacancy in an elective city office is held,
2 8 and, in that case, the vacancy shall be filled at such special
2 9 election.

LSB 2167SC (1) 84

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